CICERO

IN TWENTY-EIGHT VOLUMES

III

DE ORATORE

IN TWO VOLUMES

I

BOOKS I, II

WITH AN ENGLISH TRANSLATION BY

E. W. SUTTON, B.C.L., M.A.

FORMERLY EXHIBITIONER OF TRINITY COLLEGE, OXFORD

COMPLETED, WITH AN INTRODUCTION, BY

H. RACKHAM, M.A.

FELLOW OF CHRIST'S COLLEGE, CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS

HARVARD UNIVERSITY PRESS

LONDON

WILLIAM HEINEMANN LTD

MCMLXVII

CICERO

III

DE ORATORE I, II

348

First printed 1942
Reprinted 1948, 1959, 1967

Printed in Great Britain

CONTENTS

PREFACE

Though his name does not appear on the title-page, any merit discoverable in the translation of *De Oratore*, Book I is largely due to my friend Mr. Charles Stuttaford, sometime of Amersham Hall School. Originally entrusted with the execution of both these volumes, he had done much preliminary work on the text and translation of Book I, when reasons of health compelled him to relinquish his task. I most gratefully acknowledge my heavy indebtedness to his labours.

E. W. S.

25th February 1939

The late Mr. E. W. Sutton left at his death only the ms. and proof of his translation of *De Oratore*, Book I, and three-quarters of Book II, at various stages of correction. I have completed the volume.

An index will be found in Volume Two, which contains *De Oratore*, Book III, *De Fato*, *Paradoxa Stoicorum*, and *De Partitione Oratoria*.

H. R.

January 1942

INTRODUCTION

Date and Purpose of the Work

The circumstances in which Cicero wrote his essay *On the Orator* and the object that he had in view can be inferred from the following three passages in his letters:

Ad Atticum iv. 13. 2 (November 55 B.C.). De libris oratoriis factum est a me diligenter: diu multumque in manibus fuerunt.

Ad Fam. i. 9. 23 (September 54 B.C.). Scripsi etiam—nam ab orationibus diiungo me referoque ad mansuetiores Musas, quae me nunc maxime sicut iam a prima adulescentia delectarunt—scripsi igitur Aristotelio more, quemadmodum quidem volui, tres libros in disputatione ac dialogo de oratore, quos arbitror Lentulo tuo non fore inutiles; abhorrent enim a communibus praeceptis atque omnium antiquorum, et Aristoteliam et Isocratiam, rationem oratoriam complectuntur.

Ad Atticum xiii. 19. 4 (45 B.C.). Sunt etiam de oratore nostri tres (libri), mihi vehementer probati. In eis quoque eae personae sunt ut mihi tacendum fuerit, Crassus enim loquitur, Antonius, Catulus senex, C. Iulius frater Catuli, Cotta, Sulpicius. Puero me hic sermo inducitur, ut nullae esse possent partes meae. Quae autem his temporibus [*i.e.* 45 B.C.] scripsi Aristotelium morem habent, in quo sermo ita inducitur ceterorum ut penes ipsum sit principatus.

We thus learn that Cicero finished the book in the early winter of 55 B.C., when he had been working on

it for some time; and we infer that he published it soon afterwards, since in the following September he promises to send a copy to his friend Lentulus for the use of his son. He remarks to Lentulus that he has now almost entirely given up composing speeches, and has returned to his youthful love, the humane letters.

He had indeed for some time lived entirely withdrawn from public life, where even previously he had lost all power of influencing the course of affairs. In 63 B.C. the oligarchical party had been glad to make use of his legal and oratorical talents in the suppression of the conspiracy of Catiline; but they were not willing to make any sacrifices in order to repay him for his services, and in 58 B.C. they allowed Clodius to procure his banishment in punishment for the alleged illegality of his procedure in the Catilinarian affair. A year later Pompeius, finding Clodius more dangerous, again required Cicero's assistance, and procured his recall from exile. He was warmly welcomed back by the public, but he was no longer of any political importance, although he still appeared in the law-courts, where he delivered some considerable speeches. In 55 B.C. however, when the *imperium* of the triumvirs was prolonged for five years, he withdrew from the courts as well as from the senate, and devoted his leisure to study, the first fruits being the present treatise.

Of its merits he himself took a high view; the tone in which he writes of it to Atticus (in the third extract above) is very different from the apologetic way in which ten years later he spoke about his philosophical works: these he referred to as ἀπόγραφα, mere transcripts from Greek originals, that cost him

little labour. The present work is indeed worthy of the greatest of Roman orators, who regards oratory as of supreme practical importance in the guidance of affairs, and who resolves, while his mind is still vigorous and powerful, to devote his enforced leisure to placing on record the fruits of his experience, for the instruction of future statesmen.

The treatise is composed in the form of a conversation, though its method is very different from that of the dialogues of Plato. In those the conversational form is employed to convey the feeling of corporate research into complicated abstract questions, progressing towards the truth but not attaining it with sufficient certainty and completeness to justify its being expounded dogmatically; the positive results, so far as any can be elicited, are merely tentative. In Cicero's dialogues on the contrary the facts in respect to the matter under consideration are regarded as already ascertained; doctrines are expounded as dogmatic truths, the dialogue form being adopted as a vivid method of exhibiting the many-sided nature of the subject and the departments into which a systematic treatment of it falls. If differing opinions about it are introduced, the parts of them that are valid are accepted and put together in a single system.

In the second of the passages quoted above Cicero describes the work as written 'in the Aristotelian manner.' Its manner is extremely unlike that of the works of Aristotle that have come down to us, which are rigidly scientific expositions, in places hardly more than outlines and enumerations of arguments, and which have been conjectured to be the Master's actual notes for his lectures. We know

however that Aristotle also wrote dialogues, in which he published his doctrines in a more popular form, but all of them have now been lost.[a] It is this group of Aristotle's works the method of which, *disputatio et dialogus*, Cicero claims to have adopted in the present treatise, as a vehicle by which to convey the oratorical system of Aristotle himself and that of Isocrates. Some difficulty has been felt to be raised by the third passage quoted, which is ten years later in date ; in it Cicero contrasts *De Oratore* with his later philosophical dialogues, on the ground that in the former he is not himself one of the party, the scene being laid in the time of his boyhood, whereas in the latter he follows the Aristotelian plan of assigning the principal part in the discussion to himself (a feature in Aristotle's dialogues of which we have no other evidence, but which we must accept on Cicero's authority). But in point of fact there is no discrepancy. The comparison with Aristotle in the latter passage relates to the assignment of the parts : that in the former refers to the dialogue form. Also it must be noticed that in the former passage Cicero claims to have adopted the Aristotelian method 'at all events as far as I thought fit ' : this qualification may well hint at the difference from Aristotle consisting in the author's taking no part in the dialogue himself.

Scene and Date of the Dialogue

Details are given by the author in the introductory passages at the beginning of each of the

[a] The recently recovered *Athenian Constitution* does not fall exactly into either class ; it is not a dialogue, but a straightforward exposition in a fully finished form.

three Books; they will be found in the outline below, pp. xv, xix, xxi.

Persons of the Dialogue

L. Licinius Crassus was born in 140 B.C., and was therefore forty-nine years old at the date when the discussion is supposed to take place, September 91 B.C. He died only a few days after that date. He was a leading figure among the moderate and judicious optimates, though it is true that he gave his name to an unwise law checking the movement to strengthen Rome by extending the citizenship to the Latins. He passed through the *cursus honorum*, becoming consul in 95 B.C. He was the most illustrious Roman orator before Cicero, and when Cicero was a boy he acted as his tutor in rhetoric. In the present dialogue he is the mouthpiece of Cicero's own opinions.

M. Antonius, the grandfather of the triumvir, was Crassus's senior by three years.[a] As praetor 103 B.C. he put down piracy in Cilicia and was awarded a triumph. Six years later he was a vigorous censor. Four years after the supposed date of the dialogue he fell a victim to Marius, whose minions murdered him when at supper at a friend's house.

In colloquy with these two great orators Cicero introduces two of the most distinguished of their younger followers.

P. Sulpicius Rufus was now thirty-three years old. He was one of the chief hopes of the optimate party, being a moderate conservative and following Drusus in his movement for limited reform. Later however he swung over to Marius and the extremists, and when (ten years after the date of the dialogue) Sulla

[a] Cic. *Brutus* 161 *triennio.*

made himself master of Rome, he with Marius was proscribed, and soon after murdered.

C. Aurelius Cotta, a young man of less vigorous character, of the same age as Sulpicius, attached himself in a similar manner to Antonius. He also belonged to the party of conservative reform, but unlike Sulpicius he remained a moderate and never joined the extreme reformers. Sulla therefore allowed him to return from exile in 82 B.C. and resume his career. He rose to be consul in 75 B.C., and died the next year, after achieving some minor military successes as proconsul in Gaul.

These four characters take part in the whole of the dialogue. Q. Mucius Q. F. Scaevola the Augur figures in Book I only. He was nearly or quite seventy years old at the time, having been consul 117 B.C. He was a learned lawyer, and an adherent of the Stoic philosophy, being a member of the Hellenizing 'Scipionic circle.' In extreme old age he refused to figure as an adherent of Sulla. Cicero tells Atticus (*ad Att.* iv. 16. 3) that he thought it suitable to his character and interests to introduce him at the beginning of the discussion, but due to his years to spare him the τεχνολογία of the later part. He is represented as displaying great legal knowledge and experience of the world; he somewhat disparages the value of rhetoric, and questions the need of a wide literary and philosophic education for an orator.

Books II and III introduce two others, Q. Lutatius Catulus and his half-brother C. Julius Caesar Strabo Vopiscus. Catulus first appears in history as colleague of Marius in the consulship, 102 B.C. In the next year as proconsul he failed to check the Cim-

brians from invading Gallia Transpadana, but with Marius defeated them at Vercellae: according to Plutarch the greater part of the credit was due to Catulus. They celebrated a triumph together. Fourteen years later on Marius's return to Rome he made Catulus one of his victims: 'moriatur' was his instruction. Catulus was an officer and gentleman of spotless integrity; he also had considerable literary gifts.

Vopiscus early won a position at the bar, and was aedile in the year after the date of the dialogue. He too fell a victim to Marius.

Outline of Contents

Book I (§§ 1-23) Introduction: (§§ 1-5) Cicero substitutes this essay for his earlier writings on rhetoric, in order to satisfy his brother Quintus's desire for a discussion of the functions of the orator, and to justify his own view that the orator requires a wide liberal education. (§§ 6-15) Great orators are rare, not owing to dearth of ability, but because of the difficulty of the art, and in spite of its attractions. (§§ 16-23) It calls for wide knowledge, command of language, psychological insight, wit and humour, a good delivery and a good memory—even if we only aim at the eloquence requisite for public life, and consider it not theoretically but in the light of practical experience.

(§§ 24-29) Scene of the dialogue. The treatise gives an account of a discussion held in September 91 B.C. at the Tusculan villa of Antonius, between him and Crassus, a minor share being taken by Scaevola, Sulpicius and Cotta. The discussion was as follows:

(§§ 30-95) Oratory, its nature and range.

(§§ 30-34) Crassus praises oratory as of primary importance to society and the state: the orator's position is eminent, gratifying and powerful for good; he excels in the very gift wherein man is superior to animals, 'discourse of reason.'

(§§ 35-44) Scaevola objects that Crassus overrates the political influence of orators and exaggerates the range of their powers: they are often incapable of dealing with questions of law, philosophy and science. Their proper sphere is the law-courts and political debates.

(§§ 45-57) Crassus replies that this is indeed the Greek view, but it puts the function of oratory too low. Yet even if thus limited to politics it calls for wide knowledge, and on the other hand men of science and philosophers borrow style from oratory, although style is not as essential for them as a command of matter is essential for the orator, especially in order to control the emotions of the audience. (§§ 58-68) Eloquence does not itself bestow political knowledge, but the orator must be well versed in political and also moral science. (§§ 69-73) In power of expression and range of subject he compares with the poet; and his style will reveal whether he has had a wide education.

(§§ 74-79) Scaevola repeats that such a range of knowledge is beyond the reach of most orators. Crassus disclaims it himself, but maintains it as the ideal.

(§§ 80-95) Antonius thinks that so much knowledge is unattainable in a practical career, and also likely to form a style too abstract to be useful. He reports a debate at Athens between a Stoic, Menedemus,

who disparaged rhetoric altogether, and an Academic, Charmadas, who held that it should be based on philosophy, giving examples; Charmadas denied any science of rhetoric, saying that oratory depends merely on natural aptitude and practice, and has to go to philosophy for matter. Antonius says that he has never heard real eloquence, though it may be a possibility.

(§§ 96-112) Crassus is urged to expound his views more fully, and with reluctance consents to do so. (§§ 102-109) He asks, is there an art [a] of rhetoric? This is a question rather for a Greek. But when pressed he says that there is none, in the strict sense, although if one reduces the results of observation and experience to a system one may produce a sort of art. He is urged to give the results of his own experience.

(§§ 113-262) The requirements of the orator.

(§§ 113-128) Natural gifts are essential for high success, although the ideal is hard to attain. Antonius agrees: orators are more exposed to criticism than even actors. (§§ 129-136) Crassus concurs, as every defect is noticed at once. He praises the natural gifts of Sulpicius and the zeal of Cotta; they only need training, so he will describe his own method.

(§§ 137-147) He began by taking the school course in rhetoric, treating (1) the purpose of oratory, (2) the classification of subjects, (3) the determination of the point at issue, (4) the three kinds of oratory, forensic, deliberative and panegyric; (5) its five divisions, invention, arrangement, style, memory

[a] It must be remembered that *ars* means a systematic treatment of a subject and conveys the sense that we attach rather to the word 'science.' *Cf.* Book II, § 30.

and delivery; (6) the division of a speech into the proper parts; (7) rules of diction. Such a system though useful has not in fact been the guide of the ablest orators. Practice is all-important; it includes (§§ 148-159) speaking on cases taken from real life, occasionally impromptu; writing compositions, for training both in style and in matter; making paraphrases of poetry, especially Greek poetry, and prose, from memory; training voice and gesture; *memoria technica*; speaking in public; critical reading of literature; debating *pro* and *contra*; study of history, law and politics; collecting notes. Wide knowledge is essential. The true orator possesses dignity and force (160-204).

(§§ 205-209) Sulpicius asks for further detail, and Antonius consents to give his own views. (§§ 209-218) He challenges Crassus's definition: an orator must be able to speak agreeably and convincingly on public questions, but does not require wide general culture: that is a matter belonging to some other art. (§§ 219-233) In order to work on the emotions he needs shrewdness, experience and knowledge of the world, but not philosophy—some effective lines of pleading might be disapproved of by philosophers. (§§ 234-239) Wide knowledge of law is also unnecessary: it is eloquence that wins cases, and on hard points of law even the experts disagree. (§§ 240-250) Nor is law an easy or attractive study. A general acquaintance with its principles is all that a busy man can or need attain; details should be got up for the occasion. (§§ 251-262) Similarly voice-control, history, antiquities must be studied to some extent, but not so far as to encroach on the time needed for practice in speaking—practice is the important thing.

(§§ 263-265) Crassus hints that Antonius has only been displaying his skill in refutation, and requests him to set out his own view of the matter in the next day's debate.

Book II (§§ 1-11) Introduction: Crassus and Antonius were not unlearned, as is usually supposed; such eloquence as theirs must have been based on wide study. The dialogue following will constitute a treatise on rhetoric based on more practical experience than that possessed by previous authors.

(§§ 12-27) The second day's debate. Catulus and Caesar arrive, and after some conversation about the employment of leisure, Antonius begins to state his own case. (§§ 28-38) He says that oratory cannot be made into a science, but some rules for speakers can be derived from observation and experience; oratory covers all good speaking and all subjects. (§§ 39-73) He proceeds to consider the proper sphere of rhetoric. Demonstration needs no special rules; nor does history—he gives a survey of the chief Greek historians. The rhetoricians formulate no rules for writing history, nor for the other forms of literature that require eloquence. The same is true of the discussion of abstract subjects, for which no rules of style are needed. Any student who has mastered the more difficult problems will need no directions as to the easier ones. Forensic oratory is really the most difficult kind of oratory.

(§§ 74-89) Catulus tells a story illustrating the uselessness of theory without practical experience. Antonius criticizes some superfluous or misleading rules of rhetoric. The first requisite is natural endowment, as the instance of Sulpicius shows. (§§ 90-98) There must be constant practice, largely in writing,

a good model being chosen to copy—the Greek schools of oratory are enumerated. But men of originality can dispense with a model. (§§ 99-113) To master first of all the facts of the case will at once make clear the point at issue, which will be either one of fact or of nature or of definition. (§§ 114-151) The facts are established by evidence or by argument. The handling of these methods needs practice. Antonius offers to treat of the invention of arguments, but on request consents to deal with the method of stating them. The case should be considered under some general proposition (*locus*) ; it is a mistake to labour the distinction between general propositions and particular instances, since the vast majority of cases can all be brought under a few general heads. The sources of arguments for dealing with these should be familiar by nature, theory and particularly study.

(§§ 152-161) Catulus says that this agrees largely with Aristotle. He develops the Roman attitude to philosophy. Antonius holds that the Stoic system is of no use to the orator, but he praises the acuteness of Aristotle and the dialectic of Carneades.

(§§ 162-177) The doctrine of 'topics'—but for this purpose attention and natural acumen, together with care for variety, will nearly suffice. (§§ 178-184) It is important to win the favour of the audience ; modes of doing this. (§§ 185-216) It is also important to inspire them with suitable emotions ; these the speaker must himself feel—instances from Antonius's own career. But in some cases to excite emotion is a mistake ; and when done it must be done in the proper manner, and without exaggeration or hurry, and interspersed with conciliatory passages. Argu-

ments must be met by argument, and appeals to emotion by exciting the opposite emotion.

(§§ 217-234) Caesar discusses wit. It is of two kinds; it cannot be taught; its effectiveness illustrated from speeches of Crassus; rules for its criticism. (§§ 235-247) The laughable—its nature; its origin the unseemly, treated in a neat style; where applicable and where not; (*a*) wit of form and (*b*) wit of matter—illustrations of the latter. (§§ 248-263) (*a*) Seven kinds of verbal wit, defined and illustrated. (§§ 264-290) (*b*) Nine kinds of wit of thought, subdivided and illustrated. (§§ 291-332) Antonius resumes from § 216, and discusses his own and his opponent's case. Arrangement: put your strongest argument at the beginning or at the end. Rules for the various parts of a speech. (§§ 333-340) Speeches of advice derive effect from the character of the speaker and his political experience; errors to avoid. (§§ 341-349) Panegyric, Greek masters of; praise should be given to the subject's character as displayed in his attitude towards circumstances; compare him with illustrious examples.

(§§ 350-367) Antonius sketches a *memoria technica*, originating from observations made by Simonides.

The debate is adjourned to the afternoon.

Book III (§§ 1-10) Death of Crassus soon after he had delivered an important speech. Fate of the other characters in this dialogue.

(§§ 17-24) The discussion resumed: Crassus begins his exposition of style. Style is not really separable from matter. (§§ 25-37) Our senses differ, but each gives pleasure; and the same is the case with works of art. Similarly various styles of oratory are all admirable.

(§§ 38-52) The first requisite is pure and clear diction. (§§ 53-96) Ornate style, its true conception and proper compass. (§§ 56-73) The relation of eloquence to philosophy, especially in the post-Socratic schools. (§§ 97-148) Embellishment should be produced by continuous grace, avoiding extravagance, studying light and shade, and based on general culture. (§§ 149-208) Detailed theory of the ornate style: choice of words; their combination, in point of order and rhythm; figures of speech.

(§§ 208-227) Oratory must be adapted to the occasion. Delivery (*actio*), including gesture and voice.

Conclusion: Hortensius complimented.

Editions

De Oratore was first printed at Subiaco about 1465, (in fact it was the very first book printed in Italy) and three other Italian editions followed in fifteen years.

All subsequent editions have been supplanted by that of A. S. Wilkins, Oxford, 1892, the earliest containing a commentary in English. Its introduction is a mine of information on the text and contents of the book and the earlier history of rhetoric in Greece and Rome.

Text

The present edition has been printed from the text of V. Bétolaud, Paris, no date. A few corrections have been introduced from the text and notes of Wilkins, and a few variants are noted at the foot of the page.

For an exhaustive account of the MSS. the student

can refer to Wilkins. It may be noted here that the accepted text is based on two primary MSS. of the ninth century and one of the tenth, which clearly come from a single not very much older copy. Though full of obvious errors in copying, they are free from deliberate corrections; all three however are mutilated, and they leave considerable gaps in the text unattested. The same is the case with a more numerous second set, of the fourteenth and fifteenth centuries, which are manifestly based on one or other of the above or on their common source. A third set, all of a later date, give a complete text; but they do not show the same amount of agreement as the two earlier groups, and also their value is even more reduced by the probability that they have been largely corrupted by conjectural emendation.

LIST OF CICERO'S WORKS

SHOWING THEIR DIVISION INTO VOLUMES IN THIS EDITION

VOLUME

B. Orations. 10 Volumes

VI. Pro Quinctio
Pro Roscio Amerino
Pro Roscio Comoedo
De Lege Agraria Contra Rullum I-III

VII. The Verrine Orations I:
In Q. Caecilium
In C. Verrem Actio I
In C. Verrem Actio II, Books I-II

VIII. The Verrine Orations II:
In C. Verrem Actio II, Books III-V

IX. De Imperio Cn. Pompei (Pro Lege Manilia)
Pro Caecina
Pro Cluentio
Pro Rabirio Perduellionis Reo

X. In Catilinam I-IV
Pro Murena
Pro Sulla
Pro Flacco

XI. Pro Archia
Post Reditum in Senatu
Post Reditum ad Quirites

DE ORATORE

BOOKS I, II

M. TULLI CICERONIS

AD QUINTUM FRATREM
DIALOGI TRES

DE ORATORE

DIALOGUS SEU LIBER PRIMUS

1 I. Cogitanti mihi saepenumero, et memoria vetera repetenti, perbeati fuisse, Quinte frater, illi videri solent, qui in optima republica, cum et honoribus, et rerum gestarum gloria florerent, eum vitae cursum tenere potuerunt, ut vel in negotio sine periculo, vel in otio cum dignitate esse possent. Ac fuit quidem, cum mihi quoque initium requiescendi, atque animum ad utriusque nostrum praeclara studia referendi, fore iustum et prope ab omnibus concessum arbitrarer, si infinitus forensium rerum labor, et ambitionis occupatio, decursu honorum,
2 etiam aetatis flexu, constitisset. Quam spem cogitationum et consiliorum meorum, cum graves communium temporum, tum varii nostri casus fefellerunt.

---

[a] The metaphors are borrowed from the Circus. *Decursu honorum* = *decursis honoribus*: Cicero had been successively augur, quaestor, aedile, praetor, consul and proconsul.

MARCUS TULLIUS CICERO
ON
THE MAKING OF AN ORATOR

IN THREE BOOKS
ADDRESSED TO HIS BROTHER QUINTUS

BOOK THE FIRST

Introduction. The author's circumstances.

1 I. When, as often happens, brother Quintus, I think over and recall the days of old, those men always seem to me to have been singularly happy who, with the State at her best, and while enjoying high distinctions and the fame of their achievements, were able to maintain such a course of life that they could either engage in activity that involved no risk or enjoy a dignified repose. And time was when I used to imagine that I too should become entitled, with wellnigh universal approval, to some opportunity of leisure and of again directing my mind to the sublime pursuits beloved of us both, when once, the career of office complete and life too taking the turn towards its close,[a] the endless toil of public speaking and the business of canvassing should have come
2 to a standstill. The hopes so born of my thoughts and plans have been cheated, alike by the disastrous times of public peril and by my manifold personal

Nam qui locus quietis et tranquillitatis plenissimus fore videbatur, in eo maximae moles molestiarum, et turbulentissimae tempestates exstiterunt. Neque vero nobis cupientibus atque exoptantibus fructus otii datus est ad eas artes, quibus a pueris dediti fuimus, celebrandas, inter nosque
3 recolendas. Nam prima aetate incidimus in ipsam perturbationem disciplinae veteris; et consulatu devenimus in medium rerum omnium certamen atque discrimen; et hoc tempus omne post consulatum obiecimus eis fluctibus, qui, per nos a communi peste depulsi, in nosmet ipsos redundarunt. Sed tamen in his vel asperitatibus rerum, vel angustiis temporis, obsequar studiis nostris; et, quantum mihi vel fraus inimicorum, vel causae amicorum, vel respublica tribuet otii, ad scribendum potissimum
4 conferam. Tibi vero, frater, neque hortanti deero, neque roganti, nam neque auctoritate quisquam apud me plus valere te potest, neque voluntate.

II. Ac mihi repetenda est veteris cuiusdam memoriae non sane satis explicata recordatio, sed, ut arbitror, apta ad id, quod requiris, ut cognoscas quae viri omnium eloquentissimi clarissimique sen-
5 serint de omni ratione dicendi. Vis enim, ut mihi saepe dixisti, quoniam quae pueris aut adolescentulis nobis ex commentariolis nostris inchoata ac rudia exciderunt, vix hac aetate digna, et hoc usu, quem

[a] Cicero was about eighteen years old at the outbreak of the civil strife between Marius and Sulla.

[b] The reference is to the juvenile *De Inventione* of Cicero, in two books.

misfortunes. For the time of life which promised to be fullest of quiet and peace proved to be that during which the greatest volume of vexations and the most turbulent tempests arose. And notwithstanding my desire, and indeed my profound longing, no enjoyment of leisure was granted me, for the cultivation and renewed pursuit, in your company, of those arts to which from boyhood you and I have been
3 devoted. For in my early years[a] I came just upon the days when the old order was overthrown; then by my consulship I was drawn into the midst of a universal struggle and crisis, and my whole time ever since that consulship I have spent in stemming those billows which, stayed by my efforts from ruining the nation, rolled in a flood upon myself. But none the less, though events are thus harassing and my time so restricted, I will hearken to the call of our studies, and every moment of leisure allowed me by the perfidy of my enemies, the advocacy of my friends and my political duties, I will dedicate first and fore-
4 most to writing. And when you, brother, exhort and request me, I will not fail you, for no man's authority or wish can have greater weight with me than yours.

Education of the orator.

II. And now I must bring back to mind the recollection of an old story, not, I admit, as clear in detail as it might be, but, to my thinking, suited to what you ask; so that you may learn what men renowned above all others for eloquence have thought about
5 the whole subject of oratory. For it is your wish, as you have often told me, that—since the unfinished and crude essays,[b] which slipped out of the notebooks of my boyhood, or rather of my youth, are hardly worthy of my present time of life and of my experi-

ex causis, quas diximus, tot tantisque consecuti sumus, aliquid eisdem de rebus politius a nobis perfectiusque proferri: solesque nonnunquam hac de re a me in disputationibus nostris dissentire, quod ego prudentissimorum hominum artibus eloquentiam contineri statuam; tu autem illam ab elegantia doctrinae segregandam putes, et in quodam ingenii atque exercitationis genere ponendam.

6 Ac mihi quidem saepenumero in summos homines, ac summis ingeniis praeditos intuenti, quaerendum esse visum est, quid esset, cur plures in omnibus artibus, quam in dicendo admirabiles exstitissent. Nam, quocumque te animo et cogitatione converteris, permultos excellentes in quoque genere videbis, non
7 mediocrium artium, sed prope maximarum. Quis enim est, qui, si clarorum hominum scientiam rerum gestarum vel utilitate vel magnitudine metiri velit, non anteponat oratori imperatorem? Quis autem dubitet, quin belli duces praestantissimos ex hac una civitate paene innumerabiles, in dicendo autem ex-
8 cellentes vix paucos proferre possimus? Iam vero, consilio ac sapientia qui regere ac gubernare rempublicam possent, multi nostra, plures patrum memoria, atque etiam maiorum exstiterunt, cum boni perdiu nulli, vix autem singulis aetatibus singuli

ence gained from the numerous and grave causes in which I have been engaged—I should publish something more polished and complete on these same topics; and generally you disagree with me, in our occasional discussions of this subject, because I hold that eloquence is dependent upon the trained skill of highly educated men, while you consider that it must be separated from the refinements of learning and made to depend on a sort of natural talent and on practice.

6 And for my own part, when, as has often happened, I have been contemplating men of the highest eminence and endowed with the highest abilities, it has seemed to me to be a matter for inquiry, why it was that more of them should have gained outstanding renown in all other pursuits, than have done so in oratory. For in whatever direction you turn your mind and thoughts, you will find very many excelling in every kind, not merely of ordinary arts, but of such
7 as are almost the greatest. Who, for instance, in seeking to measure the understanding possessed by illustrious men, whether by the usefulness or the grandeur of their achievements, would not place the general above the orator? Yet who could doubt that, from this country alone, we could cite almost innumerable examples of leaders in war of the greatest distinction, but of men excelling in oratory
8 a mere handful? Nay further, among the men who by their counsel and wisdom could control and direct the helm of state, many have stood out in our own day, and still more in the history of our fathers and even of our remoter ancestors, and yet through lengthy ages no good orator is to be found, and in each successive generation hardly a single tolerable

Great orators—why rare.

tolerabiles oratores invenirentur. Ac, ne quis forte cum aliis studiis, quae reconditis in artibus, atque in quadam varietate litterarum versentur, magis hanc dicendi rationem, quam cum imperatoris laude, aut cum boni senatoris prudentia comparandam putet, convertat animum ad ea ipsa artium genera, circumspiciatque, qui in eis floruerint, quamque multi: sic facillime, quanta oratorum sit semperque fuerit paucitas, iudicabit.

9 III. Neque enim te fugit, artium omnium laudatarum procreatricem quamdam, et quasi parentem eam, quam φιλοσοφίαν Graeci vocant, ab hominibus doctissimis iudicari; in qua difficile est enumerare, quot viri, quanta scientia, quantaque in suis studiis varietate et copia fuerint, qui non una aliqua in re separatim elaborarint, sed omnia, quaecumque possent, vel scientiae pervestigatione, vel disserendi
10 ratione, comprehenderint. Quis ignorat, ei, qui mathematici vocantur, quanta in obscuritate rerum, et quam recondita in arte, et multiplici subtilique versentur? quo tamen in genere ita multi perfecti homines exstiterunt, ut nemo fere studuisse ei scientiae vehementius videatur, quin, quod voluerit, consecutus sit. Quis musicis, quis huic studio litterarum, quod profitentur ei, qui grammatici vocantur, penitus se dedidit, quin omnem illarum artium paene infinitam vim et materiam scientiae cogitatione comprehenderit?

11 Vere mihi hoc videor esse dicturus, ex omnibus eis,

one. And that no one may think that other pursuits, which have to do with abstruse branches of study, and what I may call the varied field of learning, should be compared with this art of oratory, rather than the merits of a commander or the wisdom of a statesman-like senator, let him turn his attention to these very kinds of art, and look around to see who, and how many, have been distinguished therein; in this way he will most readily judge how scarce orators are now, and ever have been.

9 III. For indeed you cannot fail to remember that Eminence in all fields rare.
the most learned men hold what the Greeks call 'philosophy' to be the creator and mother, as it were, of all the reputable arts, and yet in this field of philosophy it is difficult to count how many men there have been, eminent for their learning and for the variety and extent of their studies, men whose efforts were devoted, not to one separate branch of study, but who have mastered everything they could whether by scientific investigation or by the methods
10 of dialectic. Who does not know, as regards the so-called mathematicians, what very obscure subjects, and how abstruse, manifold, and exact an art they are engaged in? Yet in this pursuit so many men have displayed outstanding excellence, that hardly one seems to have worked in real earnest at this branch of knowledge without attaining the object of his desire. Who has devoted himself wholly to the cult of the Muses, or to this study of literature, which is professed by those who are known as men of letters, without bringing within the compass of his knowledge and observation the almost boundless range and subject-matter of those arts?

11 I think I shall be right in affirming this, that out of

qui in harum artium studiis liberalissimis sint doctrinisque versati, minimam copiam poetarum et oratorum egregiorum exstitisse, atque in hoc ipso numero, in quo perraro exoritur aliquis excellens, si diligenter, et ex nostrorum, et ex Graecorum copia comparare voles, multo tamen pauciores oratores, quam poetae boni
12 reperientur. Quod hoc etiam mirabilius debet videri, quia ceterarum artium studia fere reconditis atque abditis e fontibus hauriuntur; dicendi autem omnis ratio in medio posita, communi quodam in usu, atque in hominum more et sermone versatur: ut in ceteris id maxime excellat, quod longissime sit ab imperitorum intellegentia sensuque disiunctum, in dicendo autem vitium vel maximum sit a vulgari genere orationis, atque a consuetudine communis sensus abhorrere.

13 IV. Ac ne illud quidem vere dici potest, aut plures ceteris artibus inservire, aut maiore delectatione, aut spe uberiore, aut praemiis ad perdiscendum amplioribus commoveri. Atque ut omittam Graeciam, quae semper eloquentiae princeps esse voluit, atque illas omnium doctrinarum inventrices Athenas, in quibus summa dicendi vis et inventa est et perfecta: in hac ipsa civitate profecto nulla unquam vehementius, quam eloquentiae studia viguerunt.

14 Nam posteaquam, imperio omnium gentium constituto, diuturnitas pacis otium confirmavit, nemo fere laudis cupidus adolescens non sibi ad dicendum

[a] The traditional reading omits the words *et oratorum*, but their insertion seems necessary to the sense, and is supported by O. Hense, Harnecker, Wilkins and Stangl.

all those who have been engaged in the infinitely copious studies and learning pertaining to these arts, the smallest number of distinguished men is found among poets and orators[a]; and even in this small number—within which a man of excellence very rarely emerges—if you will make a careful comparison of our own national supply and that of Greece, far fewer good orators will be found even than
12 good poets. And this should seem even more marvellous because the subjects of the other arts are derived as a rule from hidden and remote sources, while the whole art of oratory lies open to the view, and is concerned in some measure with the common practice, custom, and speech of mankind, so that, whereas in all other arts that is most excellent which is farthest removed from the understanding and mental capacity of the untrained, in oratory the very cardinal sin is to depart from the language of everyday life, and the usage approved by the sense of the community.

Oratory an attractive but difficult study.

13 IV. And yet it cannot truly be said either that more men devote themselves to the other arts, or that those who do so are stimulated to close study by greater pleasure, higher hopes, or more splendid rewards. In fact, to say nothing of Greece, which has ever claimed the leading part in eloquence, and of Athens, that discoverer of all learning, where the supreme power of oratory was both invented and perfected, in this city of our own assuredly no studies have ever had a more vigorous life than those having to do with the art of speaking.

14 For as soon as our world-empire had been established, and an enduring peace had assured us leisure, there was hardly a youth, athirst for fame, who did

studio omni enitendum putavit. Ac primo quidem
totius rationis ignari, qui neque exercitationis ullam
viam, neque aliquod praeceptum artis esse arbitra-
rentur, tantum, quantum ingenio et cogitatione
poterant, consequebantur. Post autem, auditis
oratoribus Graecis, cognitisque eorum litteris, ad-
hibitisque doctoribus, incredibili quodam nostri
15 homines dicendi studio flagraverunt. Excitabat eos
magnitudo et varietas, multitudoque in omni genere
causarum, ut ad eam doctrinam, quam suo quisque
studio assecutus esset, adiungeretur usus frequens,
qui omnium magistrorum praecepta superaret. Erant
autem huic studio maxima, quae nunc quoque sunt,
exposita praemia, vel ad gratiam, vel ad opes, vel
ad dignitatem. Ingenia vero (ut multis rebus possu-
mus iudicare) nostrorum hominum multum ceteris
16 hominibus omnium gentium praestiterunt. Quibus
de causis, quis non iure miretur, ex omni memoria
aetatum, temporum, civitatum, tam exiguum orato-
rum numerum inveniri?

Sed nimirum maius est hoc quiddam, quam homines opinantur, et pluribus ex artibus studiisque collectum.

V. Quis enim aliud, in maxima discentium multi-
tudine, summa magistrorum copia, praestantissimis
hominum ingeniis, infinita causarum varietate, am-
plissimis eloquentiae propositis praemiis, esse causae
putet, nisi rei quamdam incredibilem magnitudinem,
17 ac difficultatem? Est enim et scientia comprehen-

not deem it his duty to strive with might and main
after eloquence. At first indeed, in their complete
ignorance of method, since they thought there was no
definite course of training or any rules of art, they
used to attain what skill they could by means of their
natural ability and of reflection. But later, having
heard the Greek orators, gained acquaintance with
their literature and called in Greek teachers, our
people were fired with a really incredible enthusi-
15 asm for eloquence. The importance, variety, and
frequency of current suits of all sorts aroused them
so effectually, that, to the learning which each man
had acquired by his own efforts, plenty of practice was
added, as being better than the maxims of all the
masters. In those days too, as at present, the prizes
open to this study were supreme, in the way of
popularity, wealth, and reputation alike. As for
ability again—there are many things to show it—
our fellow-countrymen have far excelled the men of
16 every other race. And considering all this, who
would not rightly marvel that, in all the long record
of ages, times, and states, so small a number of
orators is to be found?

But the truth is that this oratory is a greater thing, and has its sources in more arts and branches of study, than people suppose.

Its wide demands on the student;

V. For, where the number of students is very great,
the supply of masters of the very best, the quality of
natural ability outstanding, the variety of issues un-
limited, the prizes open to eloquence exceedingly
splendid, what else could anyone think to be the cause,
unless it be the really incredible vastness and diffi-
17 culty of the subject? To begin with, a knowledge of
very many matters must be grasped, without which

denda rerum plurimarum, sine qua verborum volubilitas inanis atque irridenda est; et ipsa oratio conformanda, non solum electione, sed etiam constructione verborum; et omnes animorum motus, quos hominum generi rerum natura tribuit, penitus pernoscendi; quod omnis vis ratioque dicendi in eorum, qui audiunt, mentibus, aut sedandis, aut excitandis expromenda est. Accedat eodem oportet lepos quidam facetiaeque, et eruditio libero digna, celeritasque et brevitas et respondendi, et lacessendi, subtili venustate, atque urbanitate coniuncta.
18 Tenenda praeterea est omnis antiquitas, exemplorumque vis; neque legum, aut iuris civilis scientia neglegenda est. Nam quid ego de actione ipsa plura dicam? quae motu corporis, quae gestu, quae vultu, quae vocis conformatione ac varietate moderanda est; quae sola per se ipsa quanta sit, histrionum levis ars et scena declarat: in qua cum omnes in oris, et vocis, et motus moderatione elaborent, quis ignorat, quam pauci sint, fuerintque, quos animo aequo spectare possimus? Quid dicam de thesauro rerum omnium, memoria? quae nisi custos inventis cogitatisque rebus et verbis adhibeatur, intellegimus, omnia, etiam si praeclarissima fuerint in oratore, peritura.

19 Quam ob rem mirari desinamus, quae causa sit eloquentium paucitatis, cum ex eis rebus universis eloquentia constet, quibus in singulis elaborare per-

oratory is but an empty and ridiculous swirl of verbiage: and the distinctive style has to be formed, not only by the choice of words, but also by the arrangement of the same; and all the mental emotions, with which nature has endowed the human race, are to be intimately understood, because it is in calming or kindling the feelings of the audience that the full power and science of oratory are to be brought into play. To this there should be added a certain humour, flashes of wit, the culture befitting a gentleman, and readiness and terseness alike in repelling and in delivering the attack, the whole being combined with a delicate
18 charm and urbanity. Further, the complete history of the past and a store of precedents must be retained in the memory, nor may a knowledge of statute law and our national law in general be omitted. And why should I go on to describe the speaker's delivery? That needs to be controlled by bodily carriage, gesture, play of features and changing intonation of voice; and how important that is wholly by itself, the actor's trivial art and the stage proclaim; for there, although all are labouring to regulate the expression, the voice, and the movements of the body, everyone knows how few actors there are, or ever have been, whom we could bear to watch! What need to speak of that universal treasure-house the memory? Unless this faculty be placed in charge of the ideas and phrases which have been thought out and well weighed, even though as conceived by the orator they were of the highest excellence, we know that they will all be wasted.

19 Let us therefore cease to wonder what may be the cause of the rarity of orators, since oratory is the result of a whole number of things, in any one of which

magnum est; hortemurque potius liberos nostros, ceterosque, quorum gloria nobis et dignitas cara est, ut animo rei magnitudinem complectantur, neque eis aut praeceptis, aut magistris, aut exercitationibus, quibus utuntur omnes, sed aliis quibusdam, se id, quod expetunt, consequi posse confidant.

20 VI. Ac, mea quidem sententia, nemo poterit esse omni laude cumulatus orator, nisi erit omnium rerum magnarum atque artium scientiam consecutus. Etenim ex rerum cognitione efflorescat et redundet oportet oratio; quae, nisi subest res ab oratore percepta et cognita, inanem quamdam habet elocu-
21 tionem, et paene puerilem. Neque vero ego hoc tantum oneris imponam nostris praesertim oratoribus, in hac tanta occupatione urbis ac vitae, nihil ut eis putem licere nescire: quanquam vis oratoris professioque ipsa bene dicendi, hoc suscipere ac polliceri videtur, ut omni de re, quaecumque sit proposita, ab
22 eo ornate copioseque dicatur. Sed quia non dubito, quin hoc plerisque immensum infinitumque videatur, et quod Graecos homines non solum ingenio et doctrina, sed etiam otio studioque abundantes, partitionem quamdam artium fecisse video, neque in universo genere singulos elaborasse, sed seposuisse a ceteris dictionibus eam partem dicendi, quae in forensibus disceptationibus iudiciorum, aut delibera-

to succeed is a great achievement, and let us rather exhort our children, and the others whose fame and repute are dear to us, to form a true understanding of the greatness of their task, and not to believe that they can gain their coveted object by reliance on the rules or teachers or methods of practice employed by everybody, but to rest assured that they can do this by the help of certain other means.

20 VI. And indeed in my opinion, no man can be an orator complete in all points of merit, who has not attained a knowledge of all important subjects and arts. For it is from knowledge that oratory must derive its beauty and fullness, and unless there is such knowledge, well-grasped and comprehended by the speaker, there must be something empty and almost
21 childish in the utterance. Not that I am going to lay so heavy a burden upon orators—least of all upon our own, amid all the distractions of life in Rome—as to hold that there is nothing of which it is permissible for them to be ignorant, although the significance of the term "orator," and the mere act of professing eloquence, seem to undertake and to promise that every subject whatsoever, proposed to an orator, will be treated by him with both distinc-
22 tion and knowledge. But being assured that to most men this appears a vast and indeed limitless enterprise, and perceiving that the Greeks, men not only abounding in genius and learning, but also amply endowed with leisure and the love of study, have already made a sort of division of the arts,—nor did every student of theirs work over the whole field by himself, but they separated from other uses of speech that portion of oratory which is concerned with the public discussions of the law-courts and of

even if only pursued for practical purposes, as at Rome.

tionum versaretur, et id unum genus oratori reliquisse; non complectar in his libris amplius, quam quod huic generi, re quaesita et multum disputata, summorum
23 hominum prope consensu est tributum; repetamque, non ab incunabulis nostrae veteris puerilisque doctrinae quemdam ordinem praeceptorum, sed ea, quae quondam accepi in nostrorum hominum eloquentissimorum et omni dignitate principum, disputatione esse versata. Non quod illa contemnam, quae Graeci, dicendi artifices et doctores, reliquerunt; sed, cum illa pateant in promptuque sint omnibus, neque ea interpretatione mea aut ornatius explicari, aut planius exprimi possint, dabis hanc veniam, mi frater, ut opinor, ut eorum, quibus summa dicendi laus a nostris hominibus concessa est, auctoritatem Graecis anteponam.

24 VII. Cum igitur vehementius inveheretur in causam principum consul Philippus, Drusique tribunatus, pro Senatus auctoritate susceptus, infringi iam debilitarique videretur; dici mihi memini, ludorum Romanorum diebus, L. Crassum, quasi colligendi sui causa, se in Tusculanum contulisse; venisse eodem, socer eius qui fuerat, Q. Mucius dicebatur, et M. Antonius, homo et consiliorum in republica socius, et summa cum Crasso familiaritate
25 coniunctus. Exierant autem cum ipso Crasso adole-

[a] For Philippus and Drusus see Index, and for the other names referred to in this chapter see Introduction.

debate, and left that branch only to the orator—I shall not include in this work more than has been assigned to this type of oratory by the all but unanimous judgement of the most eminent men, after
23 investigation and long argument of the matter; nor shall I recall, from the cradle of our boyish learning of days gone by, a long string of precepts, but I shall repeat the things I heard of as once handled in a discussion between men who were the most eloquent of our nation, and of the highest rank in distinction of every kind. Not that I despise what the Greek craftsmen and teachers of oratory have left us; but that is open to the view and ready to the hand of every man, nor could it be more happily set forth or more clearly expounded by any interpretations of my own, so that you will forgive me, brother mine, I do believe, if I prefer to Greek instruction the authoritative judgement of those to whom the highest honours in eloquence have been awarded by our own fellow-countrymen.

Dialogue form appropriate for the present subject.

24 VII. I remember then being told how, at the time when Philippus,[a] though consul, was furiously assailing the policy of the leading men, and the tribuneship of Drusus, undertaken in support of the power of the Senate, had begun to show symptoms of shock and weakness, Lucius Crassus, on the plea of recruiting his energies, betook himself during the days of the Roman Games to his seat at Tusculum, whither (as the story went) there came Quintus Mucius, once his father-in-law, and Marcus Antonius, a partner in the political designs of Crassus, and a man united with him in the closest
25 intimacy. There had also gone out of town, in the company of Crassus, two young men who were very

Date, scene, and persons.

scentes duo, Drusi maxime familiares, et in quibus magnam tum spem maiores natu dignitatis suae collocarant, C. Cotta, qui tum tribunatum plebis petebat, et P. Sulpicius, qui deinceps eum magistra-
26 tum petiturus putabatur. Hi primo die de temporibus illis, deque universa republica, quam ob causam venerant, multum inter se usque ad extremum tempus diei collocuti sunt. Quo quidem in sermone multa divinitus a tribus illis consularibus Cotta deplorata et commemorata narrabat; ut nihil incidisset postea civitati mali, quod non impendere illi
27 tanto ante vidissent; eo autem omni sermone confecto, tantam in Crasso humanitatem fuisse, ut, cum lauti accubuissent, tolleretur omnis illa superioris tristitia sermonis; eaque esset in homine iucunditas, et tantus in iocando lepos, ut dies inter eos Curiae fuisse videretur, convivium Tusculani.

28 Postero autem die, cum illi maiores natu satis quiessent, et in ambulationem ventum esset: dicebat tum Scaevolam, duobus spatiis tribusve factis, dixisse: Cur non imitamur, Crasse, Socratem illum, qui est in Phaedro Platonis? Nam me haec tua platanus admonuit, quae non minus ad opacandum hunc locum patulis est diffusa ramis, quam illa, cuius umbram secutus est Socrates, quae mihi videtur non tam

[a] *Phaedrus* 229 A, 230 B.

great friends of Drusus, and in whom the older generation at that time reposed high hopes of their maintaining the traditions of their order: they were Gaius Cotta, just then seeking the tribuneship of the commons, and Publius Sulpicius, who was thought likely to become a candidate for that magistracy in
26 succession to him. This party, on the first day and up to a very late hour, held long debate together, concerning the crisis and the state of politics generally, which in fact had been the occasion of their meeting. And Cotta recounted many things which were spoken of in that discussion with deep regret by the three speakers of consular rank, in such inspired fashion that (in his words) no evil had since befallen the community which those men, so long before, had
27 not seen to be hanging over it; but (he would add) when the colloquy was completely finished, so exquisite was the urbanity displayed by Crassus, that, as soon as they had bathed and settled down to table, the melancholy turn taken by the earlier discussion was wholly banished, and such was the man's pleasantness and so great the charm of his humour that it seemed as though a day in the Senate-house was closing with supper at Tusculum.

28 Then Cotta went on to say how on the morrow, when those older men had rested sufficiently and everyone had come into the garden-walk, Scaevola, after taking two or three turns, observed, "Crassus, why do we not imitate Socrates as he appears in the *Phaedrus* of Plato? For your plane-tree has suggested this comparison to my mind, casting as it does, with its spreading branches, as deep a shade over this spot, as that one cast whose shelter Socrates sought[a]—which to me seems to owe its eminence less to 'the

'ipsa acula,' quae describitur, quam Platonis oratione crevisse: et, quod ille durissimis pedibus fecit, ut se abiceret in herbam, atque ita illa, quae philosophi divinitus ferunt esse dicta, loqueretur, id meis pedibus
29 certe concedi est aequius. Tum Crassum: Immo vero commodius etiam; pulvinosque poposcisse, et omnes in eis sedibus, quae erant sub platano, consedisse dicebat.

VIII. Ibi, ut ex pristino sermone relaxarentur animi omnium, solebat Cotta narrare, Crassum ser-
30 monem quemdam de studio dicendi intulisse. Qui cum ita esset exorsus, non sibi cohortandum Sulpicium et Cottam, sed magis utrumque collaudandum videri, quod tantam iam essent facultatem adepti, ut non aequalibus suis solum anteponerentur, sed cum maioribus natu compararentur. Neque vero mihi quidquam, inquit, praestabilius videtur, quam posse dicendo tenere hominum coetus, mentes allicere, voluntates impellere quo velit; unde autem velit, deducere. Haec una res in omni libero populo, maximeque in pacatis tranquillisque civitatibus, praecipue semper floruit, semperque dominata est.
31 Quid enim est aut tam admirabile, quam ex infinita multitudine hominum exsistere unum, qui id, quod omnibus natura sit datum, vel solus, vel cum paucis facere possit? Aut tam iucundum cognitu atque auditu, quam sapientibus sententiis gravibusque verbis ornata oratio et polita? Aut tam potens,

little rivulet' described by Plato than to the language of his dialogue—and what Socrates did, whose feet were thoroughly hardened, when he threw himself down on the grass and so began the talk which philosophers say was divine,—such ease surely may more
29 reasonably be conceded to my own feet." "Nay," answered Crassus, "but we will make things more comfortable still," whereupon, according to Cotta, he called for cushions, and they all sat down together on the benches that were under the plane-tree.

Thesis: the importance of oratory to society and the state.

VIII. In that place, as Cotta was fond of relating, Crassus introduced a conversation on the pursuit of oratory, with a view to relieving all minds from the
30 discourse of the day before. He began by saying that Sulpicius and Cotta seemed not to need exhortation from him but rather commendation, seeing that thus early they had acquired such skill as not merely to be ranked above their equals in age, but to be comparable with their elders. "Moreover," he continued, "there is to my mind no more excellent thing than the power, by means of oratory, to get a hold on assemblies of men, win their good will, direct their inclinations wherever the speaker wishes, or divert them from whatever he wishes. In every free nation, and most of all in communities which have attained the enjoyment of peace and tranquillity, this one art has always flourished above the rest and ever reigned
31 supreme. For what is so marvellous as that, out of the innumerable company of mankind, a single being should arise, who either alone or with a few others can make effective a faculty bestowed by nature upon every man? Or what so pleasing to the understanding and the ear as a speech adorned and polished with wise reflections and dignified language? Or

tamque magnificum, quam populi motus, iudicum religiones, Senatus gravitatem, unius oratione con-
32 verti? Quid tam porro regium, tam liberale, tam munificum, quam opem ferre supplicibus, excitare afflictos, dare salutem, liberare periculis, retinere homines in civitate? Quid autem tam necessarium, quam tenere semper arma, quibus vel tectus ipse esse possis, vel provocare improbos,[1] vel te ulcisci lacessitus?

Age vero, ne semper forum, subsellia, rostra, Curiamque meditere, quid esse potest in otio aut iucundius, aut magis proprium humanitatis, quam sermo facetus ac nulla in re rudis? Hoc enim uno praestamus vel maxime feris, quod colloquimur inter nos, et quod exprimere dicendo sensa possumus.
33 Quam ob rem quis hoc non iure miretur, summeque in eo elaborandum esse arbitretur, ut, quo uno homines maxime bestiis praestent, in hoc hominibus ipsis antecellat? Ut vero iam ad illa summa veniamus; quae vis alia potuit aut dispersos homines unum in locum congregare, aut a fera agrestique vita ad hunc humanum cultum civilemque deducere, aut, iam constitutis civitatibus, leges, iudicia, iura de-
34 scribere? Ac, ne plura, quae sunt paene innumera-

[1] improbos *is the reading of Friedrich for the unintelligible* integros *of the better* MSS.

what achievement so mighty and glorious as that the impulses of the crowd, the consciences of the judges, the austerity of the Senate, should suffer transforma-
32 tion through the eloquence of one man? What function again is so kingly, so worthy of the free, so generous, as to bring help to the suppliant, to raise up those that are cast down, to bestow security, to set free from peril, to maintain men in their civil rights? What too is so indispensable as to have always in your grasp weapons wherewith you can defend yourself, or challenge the wicked man, or when provoked take your revenge?

"Nay more (not to have you for ever contemplating public affairs, the bench, the platform, and the Senate-house), what in hours of ease can be a pleasanter thing or one more characteristic of culture, than discourse that is graceful and nowhere uninstructed? For the one point in which we have our very greatest advantage over the brute creation is that we hold converse one with another, and can reproduce our thought in
33 word. Who therefore would not rightly admire this faculty, and deem it his duty to exert himself to the utmost in this field, that by so doing he may surpass men themselves in that particular respect wherein chiefly men are superior to animals? To come, however, at length to the highest achievements of eloquence, what other power could have been strong enough either to gather scattered humanity into one place, or to lead it out of its brutish existence in the wilderness up to our present condition of civilization as men and as citizens, or, after the establishment of social communities, to give shape to laws, tribunals,
34 and civic rights? And not to pursue any further instances—wellnigh countless as they are—I will

bilia, consecter, comprehendam brevi; sic enim statuo, perfecti oratoris moderatione et sapientia non solum ipsius dignitatem, sed et privatorum plurimorum, et universae reipublicae salutem maxime contineri. Quam ob rem pergite, ut facitis, adolescentes, atque in id studium, in quo estis, incumbite, ut et vobis honori, et amicis utilitati, et reipublicae emolumento esse possitis.

35 IX. Tum Scaevola comiter, ut solebat: Cetera, inquit, assentior Crasso, ne aut de C. Laelii, soceri mei, aut de huius, generi, aut arte, aut gloria detraham; sed illa duo, Crasse, vereor, ut tibi possim concedere: unum, quod ab oratoribus civitates et ab initio constitutas et saepe conservatas esse dixisti; alterum, quod, remoto foro, concione, iudiciis, Senatu, statuisti, oratorem in omni genere sermonis et hu-
36 manitatis esse perfectum. Quis enim tibi hoc concesserit, aut initio genus hominum in montibus ac silvis dissipatum, non prudentium consiliis compulsum potius, quam disertorum oratione delinitum, se oppidis moenibusque sepsisse, aut vero reliquas utilitates, aut in constituendis, aut in conservandis civitatibus, non a sapientibus et fortibus viris, sed
37 a disertis, et ornate dicentibus esse constitutas? An vero tibi Romulus ille aut pastores et convenas con-

conclude the whole matter in a few words, for my assertion is this: that the wise control of the complete orator is that which chiefly upholds not only his own dignity, but the safety of countless individuals and of the entire State. Go forward therefore, my young friends, in your present course, and bend your energies to that study which engages you, that so it may be in your power to become a glory to yourselves, a source of service to your friends, and profitable members of the Republic."

Thesis challenged: (1) the achievement of oratory questioned:

35 IX. Thereupon Scaevola observed, in his courteous way, "On his other points I am in agreement with Crassus (that I may not disparage the art or the renown of my father-in-law Gaius Laelius, or of my son-in-law here), but the two following, Crassus, I am afraid I cannot grant you: first your statement that the orators were they who in the beginning established social communities, and who not seldom have preserved the same intact, secondly your pronouncement that, even if we take no account of the forum, of popular assemblies, of the courts of justice, or of the Senate-house, the orator is still complete over the
36 whole range of speech and culture. For who is going to grant you, that in shutting themselves up in walled cities, human beings, who had been scattered originally over mountain and forest, were not so much convinced by the reasoning of the wise as snared by the speeches of the eloquent, or again that the other beneficial arrangements involved in the establishment or the preservation of States were not shaped by the wise and valiant but by men of eloquence and fine
37 diction? Or do you perhaps think that it was by eloquence, and not rather by good counsel and singular wisdom, that the great Romulus gathered

gregasse, aut Sabinorum connubia coniunxisse, aut finitimorum vim repressisse eloquentia videtur, non consilio et sapientia singulari? Quid enim? in Numa Pompilio, quid? in Ser. Tullio, quid? in ceteris regibus, quorum multa sunt eximia ad constituendam rempublicam, num quod eloquentiae vestigium apparet? Quid? exactis regibus (tametsi ipsam exactionem mente, non lingua, perfectam L. Bruti esse cernimus), sed deinceps omnia, nonne plena consiliorum, inania

38 verborum videmus? Ego vero si velim et nostrae civitatis exemplis uti, et aliarum, plura proferre possim detrimenta publicis rebus, quam adiumenta, per homines eloquentissimos importata: sed, ut reliqua praetermittam, omnium mihi videor, exceptis, Crasse, vobis duobus, eloquentissimos audisse Tib. et C. Sempronios, quorum pater, homo prudens et gravis, haudquaquam eloquens, et saepe alias, et maxime censor, saluti reipublicae fuit. Atque is non accurata quadam orationis copia, sed nutu atque verbo libertinos in urbanas tribus transtulit; quod nisi fecisset, rempublicam, quam nunc vix tenemus, iamdiu nullam haberemus. At vero eius filii diserti, et omnibus vel naturae, vel doctrinae praesidiis ad dicendum parati, cum civitatem vel paterno consilio, vel avitis armis florentissimam accepissent,

[a] Ti. Sempronius Gracchus, censor 169 B.C., enforced an existing rule. Freedmen not owning land worth at least 30,000 HS. were limited to the four city tribes. The restriction was removed, probably in 304, but was restored in 220.

together his shepherds and refugees, or brought about marriages with the Sabines, or curbed the might of the neighbouring tribes? Is there a trace of eloquence to be discerned in Numa Pompilius? Is there a trace in Servius Tullius? Or in the other kings who have contributed so much that is excellent to the building-up of the State? Then even after the kings had been driven forth (and we note that such expulsion had itself been accomplished by the mind of Lucius Brutus and not by his tongue), do we not see how all that followed was full of planning

38 and empty of talking? For my part, indeed, should I care to use examples from our own and other communities, I could cite more instances of damage done, than of aid given to the cause of the State by men of first-rate eloquence, but putting all else aside, of all men to whom I have listened except you two, Crassus, it seems to me that the most eloquent were Tiberius and Gaius Sempronius, whose father, a man of discretion and character, but no speaker whatever, was many a time and most particularly when Censor the salvation of the commonwealth. Yet it was not any studied flow of speech, but a nod and a word of his that transferred the freedmen into the city tribes[a]; and had he not done so, we should long ago have lost the constitution which, as it is, we preserve only with difficulty. His sons, on the other hand, who were accomplished speakers and equipped for oratory with every advantage of nature or training, after they had taken over a State that was flourishing exceedingly because of their father's counsels and their ancestors' military achievements, wrecked the commonwealth by the use of this eloquence to which, according

ista praeclara gubernatrice, ut ais, civitatum, eloquentia, rempublicam dissipaverunt.

39 X. Quid? leges veteres, moresque maiorum; quid? auspicia, quibus et ego, et tu, Crasse, cum magna reipublicae salute praesumus; quid? religiones et caerimoniae; quid? haec iura civilia, quae iampridem in nostra familia sine ulla eloquentiae laude versantur; num aut inventa sunt, aut cognita,
40 aut omnino ab oratorum genere tractata? Equidem et Ser. Galbam, memoria teneo, divinum hominem in dicendo, et M. Aemilium Porcinam, et C. ipsum Carbonem, quem tu adolescentulus perculisti, ignarum legum, haesitantem in maiorum institutis, rudem in iure civili; et haec aetas nostra, praeter te, Crasse, qui tuo magis studio, quam proprio munere aliquo disertorum, ius a nobis civile didicisti, quod interdum pudeat, iuris ignara est.

41 Quod vero in extrema oratione, quasi tuo iure sumpsisti, oratorem in omnis sermonis disputatione copiosissime posse versari, id, nisi hic in tuo regno essemus, non tulissem, multisque praeessem, qui aut interdicto tecum contenderent, aut te ex iure manu consertum vocarent, quod in alienas possessiones tam temere irruisses.

42 Agerent enim tecum lege primum Pythagorei omnes, atque Democritici, ceterique in iure physici

[a] See Appendix p. 480. [b] See Appendix p. 480.
[c] See Appendix p. 480.

to you, civil communities still look for their chief guidance.

(2) other factors of civilization more important;

39 X. "What of our ancient ordinances and the customs of our forefathers? What of augury, over which you and I, Crassus, preside, greatly to the welfare of the Republic? What of our religious rites and ceremonies? What of those rules of private law, which have long made their home in our family, though we have no reputation for eloquence? Were these things contrived or investigated or in any way
40 taken in hand by the tribe of orators? Indeed I remember that Servius Galba, a man who spoke as a god, and Marcus Aemilius Porcina and Gaius Carbo himself, whom you crushed in your early manhood, were all of them ignorant of the statutes, all at a complete loss among the institutions of our ancestors, all uninstructed in the law of the Romans; and except yourself, Crassus, who rather from your own love of study, than because to do so was any peculiar duty of the eloquent, have learned the Roman system from our family, this generation of ours is unversed in law to a degree that sometimes makes one blush.

(3) the only field of oratory the law courts and parliament.

41 "But as for the claim you made at the close of your speech, and made as though in your own right—that whatever the topic under discussion, the orator could deal with it in complete fullness—this, had we not been here in your own domain, I would not have borne with, and I should be at the head of a multitude who would either fight you by injunction,[a] or summon you to make joint seizure by rule of court,[b] for so wantonly making forcible entry upon other people's possessions.

42 "For, to begin with, all the disciples of Pythagoras and Democritus would bring statutory process[c] against you, and the rest of the physicists would assert

vindicarent, ornati homines in dicendo et graves, quibuscum tibi iusto sacramento contendere non liceret. Urgerent praeterea philosophorum greges, iam ab illo fonte et capite Socrate ; nihil te de bonis rebus in vita, nihil de malis, nihil de animi permotionibus, nihil de hominum moribus, nihil de ratione vitae didicisse, nihil omnino quaesisse, nihil scire convincerent ; et, cum universi in te impetum fecissent, tum singulae familiae litem tibi intenderent.
43 Instaret Academia, quae, quidquid dixisses, id te ipsum negare cogeret. Stoici vero nostri disputationum suarum atque interrogationum laqueis te irretitum tenerent. Peripatetici autem etiam haec ipsa, quae propria oratorum putas esse adiumenta, atque ornamenta dicendi, ab se peti vincerent oportere ; ac non solum meliora, sed etiam multo plura Aristotelem Theophrastumque de his rebus, quam omnes dicendi magistros, scripsisse ostenderent.
44 Missos facio mathematicos, grammaticos, musicos, quorum artibus vestra ista dicendi vis ne minima quidem societate contingitur. Quam ob rem ista tanta, tamque multa profitenda, Crasse, non censeo. Satis id est magnum, quod potes praestare, ut in iudiciis ea causa, quamcumque tu dicis, melior et probabilior esse videatur ; ut in concionibus et sententiis dicendis ad persuadendum tua plurimum valeat oratio ; denique ut prudentibus diserte stultis

[a] See Appendix p. 480.

their claims in court, elegant and impressive speakers with whom you could not strive and save your stake.[a] Besides this, schools of philosophers, back to great Socrates their fountain-head, would beset you : they would demonstrate that you have learned nothing concerning the good in life, or of the evil, nothing as to the emotions of the mind or of human conduct, nothing of the true theory of living, that you have made no research at all and are wholly without understanding respecting these things ; and after this general assault upon you each sect would launch its
43 particular action against you in detail. The Academy would be at your heels, compelling you to deny in terms your own allegation, whatever it might have been. Then our own friends the Stoics would hold you entangled in the toils of their wranglings and questionings. The Peripatetics again would prove that it is to them that men should resort for even those very aids and trappings of eloquence which you deem to be the special aids of orators, and would show you that on these subjects of yours Aristotle and Theophrastus wrote not only better but also much more than all the teachers of rhetoric put together.
44 I say nothing of the mathematicians, men of letters or devotees of the Muses, with whose arts this rhetorical faculty of yours is not in the remotest degree allied. And so, Crassus, I do not think you should make professions so extensive and so numerous. What you are able to guarantee is a thing great enough, namely, that in the courts whatever case you present should appear to be the better and more plausible, that in assemblies and in the Senate your oratory should have most weight in carrying the vote, and lastly, that to the intelligent you should seem to

etiam vere dicere videaris. Hoc amplius si quid poteris, non id mihi videbitur orator, sed Crassus sua quadam propria, non communi oratorum facultate, posse.

45 XI. Tum ille: Non sum, inquit, nescius, Scaevola,
ista inter Graecos dici et disceptari solere. Audivi
enim summos homines, cum quaestor ex Macedonia
venissem Athenas, florente Academia, ut temporibus
illis ferebatur, quod eam Charmadas, et Clitomachus,
et Aeschines obtinebant. Erat etiam Metrodorus,
qui cum illis una ipsum illum Carneadem diligentius
audierat, hominem omnium in dicendo, ut ferebant,
acerrimum et copiosissimum. Vigebat auditor Pan-
aetii illius tui Mnesarchus; et Peripatetici Critolai
46 Diodorus. Multi erant praeterea clari in philosophia
et nobiles, a quibus omnibus una paene voce repelli
oratorem a gubernaculis civitatum, excludi ab omni
doctrina rerumque maiorum scientia, ac tantum in
iudicia et conciunculas, tanquam in aliquod pistri-
47 num, detrudi et compingi videbam. Sed ego neque
illis assentiebar, neque harum disputationum in-
ventori et principi longe omnium in dicendo gravis-
simo et eloquentissimo, Platoni, cuius tum Athenis
cum Charmada diligentius legi Gorgiam: quo in
libro in hoc maxime admirabar Platonem, quod mihi

speak eloquently and to the ignorant truthfully as well. If you can achieve anything more than this, therein you will seem to me not an orator but a Crassus, who is making use of some talent that is peculiarly his own and not common to orators in general."

Reply to challenge: function of oratory wider—it requires science, and science requires style.

45 XI. Then Crassus replied, "I know very well, Scae-
vola, that these views of yours are often put forward
and discussed among the Greeks. For I listened to
their most eminent men, on my arrival in Athens
as a quaestor from Macedonia, at a time when
the Academy was at its best, as was then asserted,
with Charmadas, Clitomachus and Aeschines to up-
hold it. There was also Metrodorus, who, together
with the others, had been a really diligent disciple
of the illustrious Carneades himself, a speaker who,
for spirited and copious oratory, surpassed, it was
said, all other men. Mnesarchus too was in his
prime, a pupil of your great Panaetius, and Diodorus,
46 who studied under Critolaus the Peripatetic. There
were many others besides, of distinguished fame as
philosophers, by all of whom, with one voice as it
were, I perceived that the orator was driven from
the helm of State, shut out from all learning and
knowledge of more important things, and thrust
down and locked up exclusively in law-courts and
petty little assemblies, as if in a pounding-mill.
47 But I was neither in agreement with these men, nor
with the author and originator of such discussions,
who spoke with far more weight and eloquence than
all of them—I mean Plato—whose *Gorgias* I read
with close attention under Charmadas during those
days at Athens, and what impressed me most deeply
about Plato in that book was, that it was when making

in oratoribus irridendis ipse esse orator summus videbatur. Verbi enim controversia iamdiu torquet Graeculos homines, contentionis cupidiores quam
48 veritatis. Nam si quis hunc statuit esse oratorem, qui tantummodo in iure, aut in iudiciis possit, aut apud populum, aut in senatu copiose loqui, tamen huic ipsi multa tribuat et concedat necesse est, neque enim sine multa pertractatione omnium rerum publicarum, neque sine legum, morum, iuris scientia, neque natura hominum incognita, ac moribus, in his ipsis rebus satis callide versari et perite potest. Qui autem haec cognoverit, sine quibus ne illa quidem minima in causis quisquam recte tueri potest, quid huic abesse poterit de maximarum rerum scientia? Sin oratoris nihil vis esse, nisi composite, ornate, copiose eloqui: quaero, id ipsum qui possit assequi sine ea scientia, quam ei non conceditis? Dicendi enim virtus, nisi ei, qui dicit, ea, de quibus dicit,
49 percepta sint, exstare non potest. Quam ob rem, si ornate locutus est, sicut fertur, et mihi videtur, physicus ille Democritus: materies illa fuit physici, de qua dixit; ornatus vero ipse verborum, oratoris putandus est. Et, si Plato de rebus a civilibus controversiis remotissimis divinitus est locutus, quod ego concedo; si item Aristoteles, si Theophrastus, si

fun of orators that he himself seemed to me to be the consummate orator. In fact controversy about a word has long tormented those Greeklings, fonder as
48 they are of argument than of truth. For, if anyone lays it down that an orator is a man whose sole power is that of speaking copiously before the Praetor or at a trial, or in the public assembly or the Senate-house, none the less even to an orator thus limited such critic must grant and allow a number of attributes, inasmuch as without extensive handling of all public business, without a mastery of ordinances, customs and general law, without a knowledge of human nature and character, he cannot engage, with the requisite cleverness and skill, even in these restricted activities. But to a man who has learned these things, without which no one can properly ensure even those primary essentials of advocacy, can there be anything lacking that belongs to the knowledge of the highest matters? If, on the other hand, you would narrow the idea of oratory to nothing but the speaking in ordered fashion, gracefully and copiously, how, I ask, could your orator attain even so much, if he were to lack that knowledge whereof you people deny him the possession? For excellence in speaking cannot be made manifest unless the speaker fully comprehends the matter he speaks about.
49 It follows that, if the famous natural philosopher Democritus spoke with elegance, as he is reported and appears to me to have spoken, those notable subjects of his discourse belonged to the natural philosopher, but his actual elegance of diction must be put down to the orator. And if Plato spoke with the voice of a god of things very far away from political debate, as I allow that he did, if again Aristotle and

Carneades in rebus eis, de quibus disputaverunt,
eloquentes, et in dicendo suaves, atque ornati
fuerunt: sint hae res, de quibus disputant, in aliis
quibusdam studiis; oratio quidem ipsa propria est
huius unius rationis, de qua loquimur et quaerimus.
50 Etenim videmus, eisdem de rebus ieiune quosdam et
exiliter, ut eum, quem acutissimum ferunt, Chrys-
ippum, disputavisse, neque ob eam rem philosophiae
non satisfecisse, quod non habuerit hanc dicendi ex
arte aliena facultatem.

XII. Quid ergo interest? aut qui discernes eorum,
quos nominavi, ubertatem in dicendo et copiam ab
eorum exilitate, qui hac dicendi varietate et elegantia
non utuntur? Unum erit profecto, quod ei, qui bene
dicunt, afferant proprium: compositam orationem,
et ornatam, et artificio quodam et expolitione dis-
tinctam. Haec autem oratio, si res non subest ab
oratore percepta et cognita, aut nulla sit necesse est,
51 aut omnium irrisione ludatur. Quid est enim tam
furiosum, quam verborum, vel optimorum atque
ornatissimorum, sonitus inanis, nulla subiecta sen-
tentia, nec scientia? Quidquid erit igitur qua-
cumque ex arte, quocumque de genere, id orator, si,
tanquam clientis causam, didicerit, dicet melius et
ornatius, quam ille ipse eius rei inventor atque artifex.
52 Nam si quis erit, qui hoc dicat, esse quasdam ora-

Theophrastus and Carneades, on the themes which
they treated, were eloquent and displayed charm of
style and literary form, then, granting that the topics
of their discourse may be found in certain other fields
of research, yet their actual style is the peculiar pro-
duct of this pursuit which we are now discussing and
50 investigating, and of no other. For we see that
sundry authorities dealt with these same subjects
in spiritless and feeble fashion, Chrysippus for in-
stance, reputed as he is to have been the most acute
of disputants, and not to have failed to meet the
requirements of philosophy just because he had not
acquired this gift of eloquence from an alien art.

XII. "What then is the difference, or by what
means will you discriminate between the rich and copi-
ous diction of those speakers whom I have mentioned,
and the feebleness of such as do not adopt this variety
and elegance of language? The sole distinction will
surely be that the good speakers bring, as their
peculiar possession, a style that is harmonious, grace-
ful, and marked by a certain artistry and polish. Yet
this style, if the underlying subject-matter be not
comprehended and mastered by the speaker, must
inevitably be of no account or even become the sport
51 of universal derision. For what so effectually pro-
claims the madman as the hollow thundering of words
—be they never so choice and resplendent—which
have no thought or knowledge behind them? There-
fore whatever the theme, from whatever art or what-
ever branch of knowledge it be taken, the orator, just
as if he had got up the case for a client, will state it
better and more gracefully than the actual discoverer
52 and the specialist. For if anyone is going to affirm
that there are certain ideas and subjects which speci-

torum proprias sententias atque causas, et certarum
rerum forensibus cancellis circumscriptam scientiam:
fatebor equidem in his magis assidue versari hanc
nostram dictionem; sed tamen in his ipsis rebus
permulta sunt, quae isti magistri, qui rhetorici vocan-
53 tur, nec tradunt, nec tenent. Quis enim nescit,
maximam vim exsistere oratoris in hominum men-
tibus vel ad iram, aut ad odium, aut ad dolorem
incitandis, vel ab hisce eisdem permotionibus ad
lenitatem misericordiamque revocandis? Quare, nisi
qui naturas hominum, vimque omnem humanitatis,
causasque eas, quibus mentes aut incitantur, aut
reflectuntur, penitus perspexerit, dicendo, quod
54 volet, perficere non poterit. Atqui totus hic locus
philosophorum proprius videtur; neque orator, me
auctore, unquam repugnabit: sed, cum illis cogni-
tionem rerum concesserit, quod in ea solum illi
voluerint elaborare; tractationem orationis, quae
sine illa scientia nulla est, sibi assumet. Hoc enim
est proprium oratoris, quod saepe iam dixi, oratio
gravis, et ornata, et hominum sensibus ac mentibus
accommodata.

55 XIII. Quibus de rebus Aristotelem et Theo-
phrastum scripsisse fateor: sed vide, ne hoc, Scae-
vola, totum sit a me; nam ego, quae sunt oratori cum
illis communia, non mutuor ab illis; isti, quae de his
rebus disputant, oratorum esse concedunt, itaque

ally belong to orators, and certain matters whereof
the knowledge is railed-off behind the barriers of
the Courts, while I will admit that these oratorical
activities of ours are exercised within this area with
less intermission than elsewhere, nevertheless among
these very topics there are points in abundance which
even the so-called professors of rhetoric neither teach
53 nor understand. Who indeed does not know that the
orator's virtue is pre-eminently manifested either in
rousing men's hearts to anger, hatred, or indignation,
or in recalling them from these same passions to mild-
ness and mercy? Wherefore the speaker will not be
able to achieve what he wants by his words, unless
he has gained profound insight into the characters of
men, and the whole range of human nature, and
those motives whereby our souls are spurred on or
54 turned back. And all this is considered to be the
special province of philosophers, nor will the orator, if
he take my advice, resist their claim; but when he
has granted their knowledge of these things, since
they have devoted all their labour to that alone, still
he will assert his own claim to the oratorical treat-
ment of them, which without that knowledge of theirs
is nothing at all. For this is the essential concern of
the orator, as I have often said before,—a style that
is dignified and graceful and in conformity with the
general modes of thought and judgement.

Rhetoric is a science.

55 XIII. "And while I acknowledge that Aristotle and
Theophrastus have written about all these things,
yet consider, Scaevola, whether it is not wholly in
my favour, that, whereas I do not borrow from them
the things that they share with the orator, they on
their part grant that their discussions on these sub-
jects are the orator's own, and accordingly they

ceteros libros artis isti suae nomine, hos Rhetoricos
56 et inscribunt, et appellant. Etenim cum illi in dicendo inciderint loci (quod persaepe evenit), ut de diis immortalibus, de pietate, de concordia, de amicitia, de communi civium, de hominum, de gentium iure, de aequitate, de temperantia, de magnitudine animi, de omni virtutis genere sit dicendum, clamabunt, credo, omnia gymnasia, atque omnes philosophorum scholae, sua haec esse omnia propria; nihil omnino ad oratorem pertinere. Quibus ego, ut de his rebus omnibus in angulis, consumendi otii causa, disserant, cum concessero, illud tamen oratori tribuam et dabo, ut eadem, de quibus illi tenui quodam exsanguique sermone disputant, hic
57 cum omni gravitate et iucunditate explicet. Haec ego cum ipsis philosophis tum Athenis disserebam, cogebat enim me M. Marcellus hic noster, qui nunc aedilis curulis est; et profecto, nisi ludos nunc faceret, huic nostro sermoni interesset; ac iam tum erat adolescentulus his studiis mirifice deditus.

58 Iam vero de legibus instituendis, de bello, de pace, de sociis, de vectigalibus, de iure civili generatim in ordines aetatesque descripto, dicant vel Graeci, si volunt, Lycurgum, aut Solonem (quanquam illos quidem censemus in numero eloquentium reponendos) scisse melius, quam Hyperidem, aut Demosthenem, perfectos iam homines in dicendo, et perpolitos;

[a] The 'curule' *aediles* were distinguished from the *aediles plebis* by their right to use the *sella curulis* and the *toga praetexta*.

entitle and designate all their other treatises by some name taken from their distinctive art, but these
56 particular books as dealing with Rhetoric. And indeed when, while a man is speaking—as often happens—such commonplaces have cropped up as demand some mention of the immortal gods, of dutifulness, harmony, or friendship, of the rights shared by citizens, by men in general, and by nations, of fair-dealing, moderation or greatness of soul, or virtue of any and every kind, all the academies and schools of philosophy will, I do believe, raise the cry that all these matters are their exclusive province, and in no way whatever the concern of the orator. But when I have allowed that they may debate these subjects in their holes and corners, to pass an idle hour, it is to the orator none the less that I shall entrust and assign the task of developing with complete charm and cogency the same themes which they discuss in a
57 sort of thin and bloodless style. These points I used to argue at Athens with the philosophers in person, under pressure from our friend Marcus Marcellus, who is now Aedile of the Chair,[a] and assuredly, if he were not at this moment producing the Games, would be taking part in our present colloquy; indeed even in those days of his early youth his devotion to these studies was marvellous.

Exposition demands both knowledge and style.

58 "But now as regards the institution of laws, as regards war and peace, allies and public dues, and the legal rights assigned to classes of citizens according to variations of rank and age, let the Greeks say, if they please, that Lycurgus and Solon (although I hold that they should be rated as eloquent) were better informed than Hyperides or Demosthenes, who were really accomplished and highly polished

vel nostri decemviros, qui Duodecim Tabulas perscripserunt, quos necesse est fuisse prudentes, anteponant in hoc genere et Ser. Galbae, et socero tuo C. Laelio, quos constat dicendi gloria praestitisse.
59 Nunquam enim negabo, esse quasdam artes proprias eorum, qui in his cognoscendis atque tractandis studium suum omne posuerunt; sed oratorem plenum atque perfectum esse eum dicam, qui de omnibus rebus possit varie copioseque dicere.

XIV. Etenim saepe in eis causis, quas omnes proprias esse oratorum confitentur, est aliquid, quod non ex usu forensi, quem solum oratoribus conceditis, sed ex obscuriore aliqua scientia sit promendum atque
60 sumendum. Quaero enim, num possit aut contra imperatorem, aut pro imperatore dici sine rei militaris usu, aut saepe etiam sine regionum terrestrium aut maritimarum scientia; num apud populum de legibus iubendis, aut vetandis; num in Senatu de omni reipublicae genere dici sine summa rerum civilium cognitione, et prudentia; num admoveri possit oratio ad sensus animorum atque motus vel inflammandos, vel etiam exstinguendos (quod unum in oratore dominatur), sine diligentissima pervestigatione earum omnium rationum, quae de naturis humani generis ac moribus a philosophis explicantur.

61 Atque haud scio, an minus hoc vobis sim proba-

orators; or let our own folk prefer in this regard the Ten Commissioners—who wrote out the Twelve Tables and were necessarily men of practical wisdom —to Servius Galba and your father-in-law Gaius Laelius, whose outstanding renown for eloquence is
59 established. For never will I say that there are not certain arts belonging exclusively to those who have employed all their energies in the mastery and exercise thereof, but my assertion will be that the complete and finished orator is he who on any matter whatever can speak with fullness and variety.

The orator must know the facts.

XIV. "Indeed in handling those causes which everybody acknowledges to be within the exclusive sphere of oratory, there is not seldom something to be brought forth and employed, not from practice in public speaking—the only thing you allow the orator —but from some more abstruse branch of knowledge.
60 I ask, for instance, whether an advocate can either assail or defend a commander-in-chief without experience of the art of war, or sometimes too without knowledge of the various regions of land or sea? Whether he can address the popular assembly in favour of the passing or rejection of legislative proposals, or the Senate concerning any of the departments of State administration, if he lack consummate knowledge—practical as well as theoretical—of political science? Whether a speech can be directed to inflaming or even repressing feeling and passion —a faculty of the first importance to the orator— unless the speaker has made a most careful search into all those theories respecting the natural characters and the habits of conduct of mankind, which are unfolded by the philosophers?

61 "And I rather think I shall come short of convincing

turus ; equidem non dubitabo, quod sentio, dicere :
physica ista ipsa, et mathematica, et quae paulo ante
ceterarum artium propria posuisti, scientiae sunt
eorum, qui illa profitentur, illustrare autem ora-
tione si quis istas ipsas artes velit, ad oratoris ei
62 confugiendum est facultatem. Neque enim, si Phi-
lonem illum architectum, qui Atheniensibus arma-
mentarium fecit, constat, perdiserte populo rationem
operis sui reddidisse, existimandum est, architecti
potius artificio disertum, quam oratoris, fuisse. Nec,
si huic M. Antonio pro Hermodoro fuisset de navalium
opere dicendum, non, cum ab illo causam didicisset,
ipse ornate de alieno artificio copioseque dixisset.
Neque vero Asclepiades is, quo nos medico amicoque
usi sumus, tum, cum eloquentia vincebat ceteros
medicos, in eo ipso, quod ornate dicebat, medicinae
63 facultate utebatur, non eloquentiae. Atque illud
est probabilius, neque tamen verum, quod Socrates
dicere solebat, omnes in eo, quod scirent, satis esse
eloquentes ; illud verius, neque quemquam in eo
disertum esse posse, quod nesciat ; neque, si id
optime sciat, ignarusque sit faciundae ac poliendae
orationis, diserte id ipsum posse, de quo sciat, dicere.
64 XV. Quam ob rem, si quis universam et propriam
oratoris vim definire complectique vult, is orator erit,
mea sententia, hoc tam gravi dignus nomine, qui,

Science and philosophy must come to oratory for style.

you on my next point—at all events I will not hesitate
to speak my mind : your natural science itself, your
mathematics, and other studies which just now you
reckoned as belonging peculiarly to the rest of the
arts, do indeed pertain to the knowledge of their
professors, yet if anyone should wish by speaking to
put these same arts in their full light, it is to oratorical
62 skill that he must run for help. If, again, it is estab-
lished that Philo, that master-builder who constructed
an arsenal for the Athenians, described the plan of
his work very eloquently to the people, his eloquence
must be ascribed not to his architectural, but rather
to his oratorical ability. So too, if Marcus Antonius
here had had to speak on behalf of Hermodorus upon
the construction of dockyards, having got up his case
from his client, he would then have discoursed grace-
fully and copiously of an art to which he was not a
stranger. Asclepiades also, he with whom we have
been familiar both as physician and as friend, at the
time when he was surpassing the rest of his profession
in eloquence, was exhibiting, in such graceful speak-
63 ing, the skill of an orator, not that of a physician. In
fact that favourite assertion of Socrates—that every
man was eloquent enough upon a subject that he
knew—has in it some plausibility but no truth : it
is nearer the truth to say that neither can anyone be
eloquent upon a subject that is unknown to him, nor,
if he knows it perfectly and yet does not know how
to shape and polish his style, can he speak fluently
even upon that which he does know.

The orator can get up technicalities, but he must be

64 XV. "Accordingly, should anyone wish to define in
a comprehensive manner the complete and special
meaning of the word, he will be an orator, in my
opinion worthy of so dignified a title, who, whatever

quaecumque res inciderit, quae sit dictione explicanda, prudenter, et composite, et ornate, et memoriter dicat, cum quadam etiam actionis dignitate.

65 Sin cuipiam nimis infinitum videtur quod ita posui, 'quacumque de re,' licet hinc, quantum cuique videbitur, circumcidat atque amputet: tamen illud tenebo, si, quae ceteris in artibus aut studiis sita sunt, orator ignoret, tantumque ea teneat, quae sint in disceptationibus, atque in usu forensi; tamen his de rebus ipsis si sit ei dicendum, cum cognoverit ab eis, qui tenent, quae sint in quaque re, multo oratorem melius, quam ipsos illos, quorum eae sunt artes, esse

66 dicturum. Ita si de re militari dicendum huic erit Sulpicio, quaeret a C. Mario affini nostro, et, cum acceperit, ita pronuntiabit, ut ipsi C. Mario paene hic melius, quam ipse, illa scire videatur; sin de iure civili, tecum communicabit, teque hominem prudentissimum et peritissimum in eis ipsis rebus, quas

67 abs te didicerit, dicendi arte superabit. Sin quae res inciderit, in qua de natura, de vitiis hominum, de cupiditatibus, de modo, de continentia, de dolore, de morte dicendum sit; forsitan, si ei sit visum (etsi haec quidem nosse debet orator), cum Sex. Pompeio, erudito homine in philosophia, communicarit; hoc profecto efficiet, ut, quamcumque rem a quoque

the topic that crops up to be unfolded in discourse, will speak thereon with knowledge, method, charm and retentive memory, combining with these qualifica- *versed in political and moral science.*

65 tions a certain distinction of bearing. If however someone considers my expression 'whatever the topic' to be altogether too extensive, he may clip and prune it to his individual taste, but to this much I shall hold fast—though the orator be ignorant of what is to be found in all the other arts and branches of study, and know only what is dealt with in debate and the practice of public-speaking; none the less, if he should have to discourse even on these other subjects, then after learning the technicalities of each from those who know the same, the orator will speak about them far better than even the men who are

66 masters of these arts. For example, should our friend Sulpicius here have to speak upon the art of war, he will inquire of our relative Gaius Marius, and when he has received his teachings, will deliver himself in such fashion as to seem even to Gaius Marius to be almost better informed on the subject than Gaius Marius himself; while if his topic is to be the law of private rights, he will consult yourself and, notwithstanding your consummate learning and skill in these very things which you have taught him,

67 he will surpass you in the art of exposition. If again some matter should confront him wherein he must speak of human nature, human vices or the passions, of moderation or self-control, of sorrow or death, then perhaps if he thinks fit—although an orator must have knowledge of such things—he will have taken counsel with Sextus Pompeius, a man accomplished in moral science; so much he will assuredly achieve, that whatever his subject and whoever his instructor, on

cognorit, de ea multo dicat ornatius, quam ille ipse,
68 unde cognorit. Sed si me audierit, quoniam philosophia in tres partes est tributa, in naturae obscuritatem, in disserendi subtilitatem, in vitam atque mores; duo illa relinquamus, idque largiamur inertiae nostrae: tertium vero, quod semper oratoris fuit, nisi tenebimus, nihil oratori, in quo magnus esse
69 possit, relinquemus. Quare hic locus de vita et moribus totus est oratori perdiscendus: cetera si non didicerit, tamen poterit, si quando opus erit, ornare dicendo, si modo erunt ad eum delata, et tradita.

XVI. Etenim si constat inter doctos, hominem ignarum astrologiae, Aratum ornatissimis atque optimis versibus, de coelo stellisque dixisse; si de rebus rusticis hominem ab agro remotissimum, Nicandrum Colophonium, poetica quadam facultate, non rustica, scripsisse praeclare: quid est, cur non orator de rebus eis eloquentissime dicat, quas ad certam
70 causam tempusque cognorit? Est enim finitimus oratori poeta, numeris astrictior paulo, verborum autem licentia liberior, multis vero ornandi generibus socius, ac paene par; in hoc quidem certe prope idem, nullis ut terminis circumscribat aut definiat

that subject he will express himself far more grace-
68 fully than his master himself. Nevertheless, if he will listen to me, since philosophy is divided into three branches, which respectively deal with the mysteries of nature, with the subtleties of dialectic, and with human life and conduct, let us quit claim to the first two, by way of concession to our indolence, but unless we keep our hold on the third, which has ever been the orator's province, we shall leave the
69 orator no sphere wherein to attain greatness. For which reason this division of philosophy, concerned with human life and manners, must all of it be mastered by the orator; as for the other matters, even though he has not studied them, he will still be able, whenever the necessity arises, to beautify them by his eloquence, if only they are brought to his notice and described to him.

XVI. "Indeed if it is agreed in learned circles that
The orator, like the poet, needs a wide education.
a man who knew no astronomy—Aratus to wit—has sung of the heavenly spaces and the stars in verse of consummate finish and excellence, and that another who was a complete stranger to country life, Nicander of Colophon, has written with distinction on rural affairs, using something of a poet's skill and not that of a farmer, what reason is there why an orator should not discourse most eloquently concerning those subjects which he has conned for a specific
70 argument and occasion? The truth is that the poet is a very near kinsman of the orator, rather more heavily fettered as regards rhythm, but with ampler freedom in his choice of words, while in the use of many sorts of ornament he is his ally and almost his counterpart; in one respect at all events something like identity exists, since he sets no boundaries or

ius suum, quo minus ei liceat eadem illa facultate et
71 copia vagari, qua velit. Namque quod illud, Scaevola, negasti te fuisse laturum, nisi in meo regno esses, quod in omni genere sermonis, in omni parte humanitatis dixerim oratorem perfectum esse debere, nunquam mehercule hoc dicerem, si eum, quem fin-
72 go, me ipsum esse arbitrarer. Sed, ut solebat C. Lucilius saepe dicere, homo tibi subiratus, mihi propter eam ipsam causam minus, quam volebat, familiaris, sed tamen et doctus, et perurbanus, sic sentio, neminem esse in oratorum numero habendum, qui non sit omnibus eis artibus, quae sunt libero dignae, perpolitus; quibus ipsis, si in dicendo non utimur, tamen apparet atque exstat, utrum simus earum
73 rudes, an didicerimus. Ut, qui pila ludunt, non utuntur in ipsa lusione artificio proprio palaestrae, sed indicat ipse motus, didicerintne palaestram, an nesciant; et qui aliquid fingunt, et si tum pictura nihil utuntur, tamen, utrum sciant pingere, an nesciant, non obscurum est: sic in orationibus hisce ipsis iudiciorum, concionum, Senatus, etiamsi proprie ceterae non adhibentur artes, tamen facile declaratur, utrum is, qui dicat, tantummodo in hoc declamatorio

limits to his claims, such as would prevent him from ranging whither he will with the same free-
71 dom and licence as the other. For with regard to your remark, Scaevola, that, had you not been in my domain, you would not have endured my assertion that the orator must be accomplished in every kind of discourse and in every department of culture, I should certainly never have made that assertion, did I consider myself to be
72 the man I am endeavouring to portray. But, as was often said by Gaius Lucilius—who was not altogether pleased with you, and for that very reason less intimate with myself than he wished, but for all that an instructed critic and thorough gentleman of the city—my opinion is this, that no one should be numbered with the orators who is not accomplished in all those arts that befit the well-bred; for though we do not actually parade these in our discourse, it is none the less made clear to demonstration whether we are strangers to them or have learned to know
73 them. Just as ball-players do not in their game itself employ the characteristic dexterity of the gymnasium, and yet their very movements show whether they have had such training or know nothing of that art; and, just as, in the case of those who are portraying anything, even though at the moment they are making no use of the painter's art, there is none the less no difficulty in seeing whether or not they know how to paint; even so is it with these same speeches in the Courts, the popular assembly and the Senate-house—granting that the other arts may not be specially brought into play, still it is made easily discernible whether the speaker has merely floundered about in this declamatory business or

sit opere iactatus, an ad dicendum omnibus ingenuis artibus instructus accesserit.

74 XVII. Tum ridens Scaevola: Non luctabor, inquit, tecum, Crasse, amplius. Id enim ipsum, quod contra me locutus es, artificio quodam es consecutus, ut et mihi, quae ego vellem non esse oratoris, concederes; et ea ipsa, nescio quomodo, rursus detorqueres, atque
75 oratori propria traderes. Haec, cum ego praetor Rhodum venissem, et cum summo illo doctore istius disciplinae Apollonio, ea, quae a Panaetio acceperam, contulissem: irrisit ille quidem, ut solebat, philosophiam, atque contempsit, multaque non tam graviter dixit, quam facete, tua autem fuit oratio eiusmodi, non ut ullam artem doctrinamve contemneres, sed ut omnes comites ac ministras oratoris esse diceres.
76 Quas ego, si quis sit unus complexus omnes, idemque si ad eas facultatem istam ornatissimae orationis adiunxerit; non possum dicere, eum non egregium quemdam hominem atque admirandum fore, sed is, si quis esset, aut si etiam unquam fuisset, aut vero si esse posset, tu esses unus profecto; qui et meo iudicio, et omnium, vix ullam ceteris oratoribus
77 (pace horum dixerim) laudem reliquisti. Verum si tibi ipsi nihil deest, quod in forensibus rebus, civilibusque versetur, quin scias, neque eam tamen scientiam, quam adiungis oratori, complexus es;

whether, before approaching his task of oratory, he has been trained in all the liberal arts."

74 XVII. At this point Scaevola smilingly declared: "Crassus, I will strive with you no longer. For, in this very speech you have made against me, you have by some trick so managed matters as both to grant me what I said did not belong to the orator, and then somehow or another to wrest away these things again and hand them over to the orator as his absolute
75 property. And as regards these subjects, when on my arrival in Rhodes as praetor I discussed with Apollonius, that supreme master of this science of rhetoric, the things that I had learned from Panaetius, he as usual jeered at philosophy and expressed contempt for it and talked at large in a vein more graceful than serious; whereas your argument has been of such a kind that you not only refrained from despising any of the arts or sciences, but described them all as the attendants and handmaids of oratory.
76 And for my own part, if ever any one man should have mastered all of them, and that same man should have united with them this added power of perfectly graceful expression, I cannot deny that he would be a remarkable kind of man and worthy of admiration; but if such a one there should be, or indeed ever has been, or really ever could be, assuredly you would be that one man, who both in my opinion and in that of everyone else, have left all other orators—if they will pardon my saying so—almost without
77 glory. But if you yourself, while lacking nothing of the knowledge that has to do with law-court speaking and politics, have nevertheless not mastered the further learning which you associate with the orator, let us see whether you may not be

The position challenged;

videamus, ne plus ei tribuas, quam res et veritas ipsa concedat.

78 Hic Crassus: Memento, inquit, me non de mea,
sed de oratoris facultate dixisse. Quid enim nos aut
didicimus, aut scire potuimus, qui ante ad agendum,
quam ad cognoscendum venimus; quos in foro, quos
in ambitione, quos in republica, quos in amicorum
negotiis, res ipsa ante confecit, quam possemus aliquid
79 de rebus tantis suspicari? Quod si tibi tantum in
nobis videtur esse, quibus etiamsi ingenium, ut tu
putas, non maxime defuit, doctrina certe, et otium,
et hercule etiam studium illud discendi acerrimum
defuit: quid censes, si ad alicuius ingenium vel
maius illa, quae ego non attigi, accesserint? qualem
illum, et quantum oratorem futurum?

80 XVIII. Tum Antonius: Probas mihi, inquit, ista,
Crasse, quae dicis; nec dubito, quin multo locupletior
in dicendo futurus sit, si quis omnium rerum atque
81 artium rationem naturamque comprehenderit. Sed
primum id difficile est factu, praesertim in hac nostra
vita, nostrisque occupationibus; deinde illud etiam
verendum est, ne abstrahamur ab hac exercitatione,
et consuetudine dicendi populari, et forensi. Aliud
enim mihi quoddam genus orationis esse videtur
eorum hominum, de quibus paulo ante dixisti, quamvis
illi ornate et graviter, aut de natura rerum, aut de
humanis rebus loquantur: nitidum quoddam genus

attributing to him more than the real facts of the case allow."

78 Here Crassus interposed: "Remember that I have
not been speaking of my own skill, but of that of
an orator. For what have men like myself either
learned or had any chance of knowing, who entered
upon practice before ever we reached the study of
theory, whom our professional activities in public
speaking, in the pursuit of office, in politics, and
about the affairs of our friends, wore out ere we
could form any conception of the importance of these
79 other matters? But if you find such excellence in
me who, if perhaps—as you hold—I have not been
completely wanting in ability, have assuredly been
wanting in learning and leisure and (to tell the truth)
in the requisite enthusiasm for instruction as well,
what think you would be the quality and stature of
an orator in whom all that I have not attained should
be combined with ability such as my own or greater?"

but defended as an ideal.

80 XVIII. Thereupon Antonius observed: "Crassus,
to my mind you establish your case, and I do not
doubt that, if a man has grasped the principles and
nature of every subject and of every art, he will in
consequence be far better equipped as a speaker.
81 But in the first place such knowledge is hard to win,
especially in the life we lead, and amid the engagements
that are ours, and then again there is the
danger of our being led away from our traditional
practice of speaking in a style acceptable to the
commonalty and suited to advocacy. For it seems
to me that the eloquence of these men, to whom you
referred just now, is of an entirely different kind,
albeit they speak gracefully and cogently, either upon
natural philosophy or upon the affairs of mankind:

This ideal again challenged as unpractical and unattainable.

est verborum et laetum, sed palaestrae magis et olei,
82 quam huius civilis turbae ac fori. Namque egomet, qui sero, ac leviter Graecas litteras attigissem, tamen cum pro consule in Ciliciam proficiscens Athenas venissem, complures tum ibi dies sum propter navigandi difficultatem commoratus: sed, cum quotidie mecum haberem homines doctissimos, eos fere ipsos, qui abs te modo sunt nominati, cumque hoc, nescio quomodo, apud eos increbruisset, me in causis maioribus, sicuti te, solere versari, pro se quisque ut poterat, de officio et ratione oratoris disputabat.

83 Horum alii, sicut iste ipse Mnesarchus, hos, quos nos oratores vocaremus, nihil esse dicebat, nisi quosdam operarios, lingua celeri et exercitata; oratorem autem, nisi qui sapiens esset, esse neminem; atque ipsam eloquentiam, quod ex bene dicendi scientia constaret, unam quamdam esse virtutem, et qui unam virtutem haberet, omnes habere, easque esse inter se aequales et pares: ita, qui esset eloquens, eum virtutes omnes habere, atque esse sapientem. Sed haec erat spinosa quaedam et exilis oratio, longeque a nostris sensibus abhorrebat.
84 Charmadas vero multo uberius eisdem de rebus loquebatur: non quo aperiret sententiam suam; hic enim mos erat patrius Academiae, adversari semper omnibus in disputando; sed cum maxime tamen hoc significabat, eos, qui rhetores nominarentur, et

[a] Mnesarchus represents the Stoics, whose fundamental doctrine of the unity and coequality of all virtues implies that the philosopher alone can be an orator.

theirs is a polished and flowery sort of diction, redolent rather of the training-school and its suppling-oil
82 than of our political hurly-burly and of the Bar. For —when I think of it—although it was late in life and only lightly that I came into touch with Greek literature, still, when on my journey to Cilicia as proconsul I reached Athens, I tarried there for several days by reason of the difficulty in putting to sea: at any rate, as I had about me daily the most learned men, pretty nearly the same as those whom you have lately mentioned, a rumour having somehow spread among them that I, just like yourself, was usually engaged in the more important causes, every one of them in his turn contributed what he could to a discussion on the function and method of an orator.

83 "Some of them were for maintaining, as did your authority Mnesarchus[a] himself, that those whom we called orators were nothing but a sort of artisans with ready and practised tongues, whereas no one was an orator save the wise man only, and that eloquence itself, being, as it was, the science of speaking well, was one type of virtue, and he who possessed a single virtue possessed all of them, and the virtues were of the same rank and equal one with another, from which it followed that the man of eloquence had every virtue and was a wise man. But this was a thorny and dry sort of language, and entirely out of harmony
84 with anything we thought. Charmadas, however, would speak far more copiously upon the same topics, not that he intended thereby to reveal his own opinion, —it being an accepted tradition of the Academy always and against all comers to be of the opposition in debate—just then, however, he was pointing out that those who were styled rhetoricians and pro-

qui dicendi praecepta traderent, nihil plane tenere, neque posse quemquam facultatem assequi dicendi, nisi qui philosophorum inventa didicisset.

85 XIX. Disputabant contra diserti homines, Athenienses, et in republica causisque versati, in quis erat etiam is, qui nuper Romae fuit, Menedemus, hospes meus; qui cum diceret esse quamdam prudentiam, quae versaretur in perspiciendis rationibus constituendarum et regendarum rerum publicarum, excitabatur homo promptus atque omni abundans doctrina, et quadam incredibili varietate rerum et copia. Omnes enim partes illius ipsius prudentiae petendas esse a philosophia dicebat, neque ea, quae statuerentur in republica de diis immortalibus, de disciplina iuventutis, de iustitia, de patientia, de temperantia, de modo rerum omnium, ceteraque, sine quibus civitates aut esse, aut bene moratae esse non possent, usquam
86 in eorum inveniri libellis. Quod si tantam vim rerum maximarum arte sua rhetorici illi doctores complecterentur, quaerebat, cur de prooemiis, et de epilogis, et de huiusmodi nugis (sic enim appellabat) referti essent eorum libri; de civitatibus instituendis, de scribendis legibus, de aequitate, de iustitia, de fide, de frangendis cupiditatibus, de conformandis hominum moribus, littera in eorum libris nulla inveni-
87 retur? Ipsa vero praecepta sic illudere solebat, ut ostenderet, non modo eos illius expertes esse pru-

[a] Charmadas of the Academy.

pounded rules of eloquence, had no clear comprehension of anything, and that no man could attain skill in speaking unless he had studied the discoveries of the philosophers.

Report of debate at Athens: is there a science of rhetoric, or does oratory depend on aptitude and practice?

85 XIX. "Certain Athenians, accomplished speakers and experienced in politics and at the Bar, argued on the other side, among them too being that Menedemus, who was lately in Rome as my guest; and when he asserted that there was a special sort of wisdom, which had to do with investigating the principles of founding and governing political communities, this roused up a man of quick temper[a] and full to overflowing of learning of every kind and a really incredible diversity and multiplicity of facts. For he proceeded to inform us that every part of this same wisdom had to be sought from philosophy, nor were those institutions in a State which dealt with the immortal gods, the training of youth, justice, endurance, self-control, or moderation in all things, or the other principles without which States could not exist or at any rate be well-conditioned, to be met with any-
86 where in the paltry treatises of rhetoricians. Whereas, if those teachers of rhetoric embraced within their art so vast a multitude of the noblest themes, how was it, he inquired, that their books were stuffed full of maxims relating to prefaces, perorations and similar trumpery—for so did he describe them—while concerning the organization of States, or the drafting of laws, or on the topics of fair-dealing, justice, loyalty, or the subduing of the passions or the building of human character, not a syllable was to be found in
87 their pages? But as for their actual rules he would scoff at them by showing that not only were their authors devoid of that wisdom which they arrogated

dentiae, quam sibi adsciscerent, sed ne hanc quidem ipsam dicendi rationem ac viam nosse. Caput enim esse arbitrabatur oratoris, ut et ipsis, apud quos ageret, talis, qualem se ipse optaret, videretur; id fieri vitae dignitate, de qua nihil rhetorici isti doctores in praeceptis suis reliquissent: et uti eorum, qui audirent, sic afficerentur animi, ut eos affici vellet orator; quod item fieri nullo modo posse, nisi cognosceret is, qui diceret, quot modis hominum mentes, et quibus rebus, et quo genere orationis in quamque partem moverentur; haec autem esse penitus in media philosophia retrusa atque abdita; quae isti rhetores ne primoribus quidem labris at-
88 tigissent. Ea Menedemus exemplis magis, quam argumentis, conabatur refellere: memoriter enim multa ex orationibus Demosthenis praeclare scripta pronuntians, docebat, illum in animis vel iudicum, vel populi, in omnem partem dicendo permovendis, non fuisse ignarum, quibus ea rebus consequeretur, quae negaret ille sine philosophia quemquam scire posse.

89 XX. Huic ille respondebat, non se negare, Demosthenem summam prudentiam summamque vim habuisse dicendi; sed sive ille hoc ingenio potuisset, sive, id quod constaret, Platonis studiosus audiendi fuisset; non, quid ille potuisset, sed quid isti

to themselves, but they were ignorant even of the true principles and methods of eloquence. For he was of opinion that the main object of the orator was that he should both appear himself, to those before whom he was pleading, to be such a man as he would desire to seem (an end to be attained by a reputable mode of life, as to which those teachers of rhetoric had left no hint among their instructions), and that the hearts of his hearers should be touched in such fashion as the orator would have them touched (another purpose only to be achieved by a speaker who had investigated all the ways wherein, and all the allurements and kind of diction whereby, the judgement of men might be inclined to this side or to that); but according to him such knowledge lay thrust away and buried deep in the very heart of philosophy, and those rhetoricians had not so much as tasted it with the
88 tip of the tongue. These assertions Menedemus would strive to disprove by quoting instances rather than by arguments, for, while reciting from his ready recollection many magnificent passages from the speeches of Demosthenes, he would demonstrate how that orator, when by his eloquence he was compelling the passions of the judges or of the people to take any direction he chose, knew well enough by what means to attain results which Charmadas would say that no one could compass without the aid of philosophy.

89 XX. "To this Charmadas replied that he did not deny to Demosthenes the possession of consummate wisdom and the highest power of eloquence, but whether Demosthenes owed this ability to natural talent or, as was generally agreed, had been a devoted disciple of Plato, the present question was not what Demosthenes could do, but what those

90 docerent, esse quaerendum. Saepe etiam in eam partem ferebatur oratione, ut omnino disputaret, nullam artem esse dicendi: idque cum argumentis docuerat, quod ita nati essemus, ut et blandiri, et suppliciter insinuare eis, a quibus esset petendum, et adversarios minaciter terrere possemus, et rem gestam exponere, et id, quod intenderemus, confirmare, et id, quod contra diceretur, refellere, et ad extremum deprecari aliquid, et conqueri; quibus in rebus omnis oratorum versaretur facultas; et quod consuetudo exercitatioque et intellegendi prudentiam acueret, et eloquendi celeritatem incitaret: tum
91 etiam exemplorum copia nitebatur. Nam primum, quasi dedita opera, neminem scriptorem artis ne mediocriter quidem disertum fuisse dicebat, cum repeteret usque a Corace nescio quo, et Tisia, quos artis illius inventores et principes fuisse constaret; eloquentissimos autem homines, qui ista nec didicissent, nec omnino scire curassent, innumerabiles quosdam nominabat; in quibus etiam (sive ille irridens, sive quod ita putaret, atque ita audisset), me in illo numero, qui illa non didicissem, et tamen (ut ipse dicebat) possem aliquid in dicendo, proferebat. Quorum illi alterum facile assentiebar, nihil me didicisse; in altero autem me illudi ab eo, aut

[a] For Corax and Tisias see Index. By using the words *nescio quo* Antonius affects ignorance of literary history.

90 rhetoricians were teaching. More than once too he was carried so far away by his discourse as to argue that there was no such thing as an art of eloquence; and after showing this by arguments—because, as he said, we were born with an aptitude alike for coaxing and unctuously stealing into favour with those from whom a boon had to be sought, and for daunting our antagonists by threats, for setting forth how a deed was done, and establishing our own charges and disproving the allegations of the other side, and for making, in the closing words of a speech, some use of protest and lamentation (in which operations he declared that every resource of the orator was brought into play), and because habit and practice sharpened the edge of discernment and quickened the fluency of delivery, then he would also
91 support his case by an abundance of instances. For in the first place (he would say) not a single writer on rhetoric—it looked as if of set purpose—had been even moderately eloquent, and he searched all the way back to the days of one Corax [a] and a certain Tisias who, he stated, were acknowledged to have been the founders and first practitioners of this art, while on the other hand he would cite a countless host of very eloquent men who had never learned these rules or been at all anxious to make their acquaintance; and among these—whether in jest or because he thought so and had even so heard—he went on to mention me in the list, as one who had never studied those matters and yet (according to him) had some ability in oratory. To one of these points of his—that I had never learned anything—I readily agreed, but as to the other I considered that he was either making game of me or was even himself

92 etiam ipsum errare arbitrabar. Artem vero negabat esse ullam, nisi quae cognitis, penitusque perspectis, et in unum exitum spectantibus, et nunquam fallentibus rebus contineretur; haec autem omnia, quae tractarentur ab oratoribus, dubia esse et incerta; cum et dicerentur ab eis, qui ea omnia non plane tenerent, et audirentur ab eis, quibus non scientia esset tradenda, sed exigui temporis aut falsa,
93 aut certe obscura opinio. Quid multa? sic mihi tum persuadere videbatur, neque artificium ullum esse dicendi, neque quemquam posse, nisi qui illa, quae a doctissimis hominibus in philosophia dicerentur, cognosset, aut callide aut copiose dicere. In quibus dicere Charmadas solebat, ingenium tuum, Crasse, vehementer admirans, me sibi perfacilem in audiendo, te perpugnacem in disputando esse visum.

94 XXI. Tumque ego, hac eadem opinione adductus, scripsi etiam illud quodam in libello, qui me imprudente et invito excidit, et pervenit in manus hominum, disertos me cognosse nonnullos, eloquentem adhuc neminem: quod eum statuebam disertum, qui posset satis acute, atque dilucide, apud mediocres homines ex communi quadam opinione dicere; eloquentem vero, qui mirabilius et magnificentius augere posset atque ornare, quae vellet, omnesque omnium rerum, quae ad dicendum pertinerent, fontes animo ac memoria contineret. Id si est difficile nobis, qui

92 mistaken. He said, however, that there was no 'art' which did not consist in the knowledge and clear perception of facts, all tending to a single conclusion and incapable of misleading; but everything with which orators dealt was doubtful and uncertain, since all the talking was done by men who had no real grasp of their subject, and all the listening by hearers who were not to have knowledge conveyed to them, but some short-lived opinion that was either untrue
93 or at least not clear. In a word, he then looked like persuading me that no craft of oratory existed, and that no one could speak with address or copiously unless he had mastered the philosophical teachings of the most learned men. And in these discussions Charmadas was wont to speak with warm admiration of your talents, Crassus, explaining that he found in me a very ready listener, in yourself a most doughty antagonist.

Real eloquence unknown.

94 XXI. "And so, won over by these same views, I actually wrote down in a little pamphlet—which slipped abroad without my knowledge or consent and got into the hands of the public—the statement that I had known sundry accomplished speakers, but no one so far who was eloquent, inasmuch as I held anyone to be an accomplished speaker who could deliver his thought with the necessary point and clearness before an everyday audience, and in accord with what I might call the mental outlook of the average human being, whereas I allowed the possession of eloquence to that man only who was able, in a style more admirable and more splendid, to amplify and adorn any subject he chose, and whose mind and memory encompassed all the sources of everything that concerned oratory. If this is a hard matter for ourselves,

ante quam ad discendum ingressi sumus, obruimur ambitione et foro; sit tamen in re positum atque
95 natura. Ego enim, quantum auguror coniectura, quantaque ingenia in nostris hominibus esse video, non despero fore aliquem aliquando, qui et studio acriore, quam nos sumus atque fuimus, et otio ac facultate discendi maiore ac maturiore, et labore atque industria superiore, cum se ad audiendum, legendum, scribendumque dediderit, exsistat talis orator, qualem quaerimus; qui iure non solum disertus, sed etiam eloquens dici possit: qui tamen, mea sententia, aut hic est iam Crassus, aut, si quis pari fuerit ingenio pluraque quam hic et audierit et lectitarit et scripserit, paulum huic aliquid poterit addere.

96 Hoc loco Sulpicius: Insperanti mihi, inquit, et Cottae, sed valde optanti utrique nostrum, cecidit, ut in istum sermonem, Crasse, delaberemini. Nobis enim huc venientibus iucundum satis fore videbatur, si, cum vos de rebus aliis loqueremini, tamen nos aliquid ex sermone vestro memoria dignum excipere possemus: ut vero penitus in eam ipsam totius huius vel studii, vel artificii, vel facultatis disputationem paene intimam perveniretis, vix optandum nobis
97 videbatur. Ego enim, qui ab ineunte aetate incensus essem studio utriusque vestrum, Crassi vero

because, before we have entered on the required study, we are overwhelmed by the hunt for office and the business of the Bar, none the less let it be accepted
95 as attainable in fact and in the nature of things. For personally, so far as I can form a prediction, and judging from the vast supply of talent which I see existent among our fellow-citizens, I do not despair of its coming to pass that some day some one, keener in study than we are or ever have been, endowed with ampler leisure and earlier opportunity for learning, and exhibiting closer application and more intensive industry, who shall have given himself up to listening, reading and writing, will stand forth as an orator such as we are seeking, who may rightly be called not merely accomplished but actually eloquent; and after all, to my mind either Crassus is such a man already, or, should some one of equal natural ability have heard, read and written more than Crassus, he will only be able to improve to some slight extent upon him."

Crassus reluctantly consents to give his views.

96 At this point, "We never looked for it," exclaimed Sulpicius, "but it has fallen out, Crassus, just as both I and Cotta earnestly hoped, I mean that you two should slip into this particular conversation. For on our way hither we were thinking that it would be delightful enough if, while you and Antonius were talking about anything else, we might still manage to catch from your discourse something worth remembering; but that you should enter at large upon so real and wellnigh exhaustive a discussion of this whole matter—be it practice, art or natural talent—
97 seemed to us a thing we could hardly hope for. The fact is that I, who from my earliest manhood was aglow with enthusiasm for you both, and a positive

etiam amore, cum ab eo nusquam discederem, verbum ex eo nunquam elicere potui de vi ac ratione dicendi, cum et per memet ipsum egissem, et per Drusum saepe tentassem : quo in genere tu, Antoni, (vere loquar) nunquam mihi percunctanti, aut quaerenti aliquid, defuisti, et persaepe me, quae soleres
98 in dicendo observare, docuisti. Nunc quoniam uterque vestrum patefecit earum rerum ipsarum aditum, quas quaerimus, et quoniam princeps Crassus eius sermonis ordiendi fuit, date nobis hanc veniam, ut ea, quae sentitis de omni genere dicendi, subtiliter persequamini. Quod quidem si erit a vobis impetratum, magnam habebo, Crasse, huic palaestrae et Tusculano tuo gratiam, et longe Academiae illi ac Lycio tuum hoc suburbanum gymnasium anteponam.

99 XXII. Tum ille: Immo vero, inquit, Sulpici, rogemus Antonium, qui et potest facere id, quod requiris, et consuevit, ut te audio dicere. Nam me quidem fateor semper a genere hoc toto sermonis refugisse, et tibi cupienti atque instanti saepissime negasse, ut tute paulo ante dixisti. Quod ego non superbia, neque inhumanitate faciebam, neque quo tuo studio rectissimo atque optimo non obsequi vellem, praesertim cum te unum ex omnibus ad dicendum maxime natum, aptumque cognossem, sed mehercule

devotion to Crassus—seeing that on no occasion did I leave his side—could never get a word out of him respecting the nature and theory of eloquence, although I pleaded in person, besides making frequent trial of him through the agency of Drusus, whereas on this subject you, Antonius,—and what I shall say is true—have never failed me at all in my probings or interrogatories, and have many a time explained to me what rules you were wont to
98 observe in practical oratory. Now then that each of you has opened up a way of reaching these very objects of our quest, and since it was Crassus who led off in this discussion, grant us the favour of recounting with exactness of detail, your respective opinions upon every branch of oratory. If we do win this boon from you both, I shall be deeply grateful, Crassus, to this school in your Tusculan villa, and shall rank these semi-rural training-quarters of yours far above the illustrious Academy and the Lyceum."

99 XXII. Thereupon the other rejoined, "Nay, Sulpicius, but let us rather ask Antonius, who both has the ability to do what you demand, and, as I understand you to say, has been in the habit of so doing. For as for me, you yourself have just told us how I have invariably run away from all discussions of this sort, and time and again have refused compliance with your desire and indeed your importunity. This I used to do, not from arrogance or churlishness, nor because I was unwilling to gratify your entirely legitimate and admirable keenness—the more so as I had recognized that you were above all other men eminently endowed by nature and adapted for oratory —but in solemn truth it was from want of familiarity

istius disputationis insolentia, atque earum rerum, quae quasi in arte traduntur, inscitia.

100 Tum Cotta: Quoniam id, quod difficillimum nobis videbatur, ut omnino de his rebus, Crasse, loquerere, assecuti sumus; de reliquo iam nostra culpa fuerit, si te, nisi omnia, quae percunctati
101 erimus, explicaris, dimiserimus. De his, credo, rebus, inquit Crassus, ut in cretionibus scribi solet, QUIBUS SCIAM, POTEROQUE. Tum ille: Namque quod tu non poteris, aut nescies, quis nostrum tam impudens est, qui se scire aut posse postulet? Iam vero, ista conditione, dum mihi liceat negare posse, quod non potero, et fateri nescire quod nesciam, licet, inquit Crassus, vestro arbitratu percunctemini.
102 Atque, inquit Sulpicius, hoc primum ex te, de quo modo Antonius exposuit, quid sentias, quaerimus: existimesne artem aliquam esse dicendi? Quid? mihi nunc vos, inquit Crassus, tanquam alicui Graeculo otioso et loquaci, et fortasse docto atque erudito, quaestiunculam, de qua meo arbitratu loquar, ponitis? Quando enim me ista curasse aut cogitasse arbitramini, et non semper irrisisse potius eorum hominum impudentiam, qui cum in schola assedissent, ex magna hominum frequentia dicere iuberent,
103 si quis quid quaereret? Quod primum ferunt Leontinum fecisse Gorgiam: qui permagnum quid-

[a] For the use of the diminutive to indicate the contempt felt at Rome for the degenerate Greek of the day *cf.* §§ 47, 221, and Juvenal iii. 78 *Graeculus esuriens.*

with arguments of that kind, and awkwardness in handling those theories set forth in what claims to be an art."

100 Cotta then observed, "Since we have secured what seemed most difficult—that you, Crassus, should say anything at all about these matters—as for what remains, it will now be our own fault if we let you go without explaining to us all that we have been in-
101 quiring about." "Limiting the inquiry, I imagine," answered Crassus, "to those subjects which, as the phrase goes in accepting an inheritance, are within my knowledge and power." "By all means," returned Cotta, "for what is beyond your own power or knowledge, who among us is so shameless as to claim to be within his own?" "In that case," replied Crassus, "provided that I may disclaim powers which I do not possess, and admit ignorance of what I do not know,—put what questions to me
102 you please." "Well then," said Sulpicius, "what we ask you to tell us first is your opinion of the view Antonius advanced just now—whether you hold that there is any such thing as an 'art' of oratory?" "How now?" exclaimed Crassus, "Do you think I am some idle talkative Greekling,[a] who is also perhaps full of learning and erudition, that you propound me a petty question on which to talk as I will? For when was it, think you, that I troubled myself about these matters or reflected upon them, and did not rather always laugh to scorn the effrontery of those persons who, from their chairs in the schools, would call upon any man in the crowded assemblage to propound any question that he might have to put?
103 It is related that Gorgias of Leontini was the author of this practice, who was thought to be undertaking

Is there a science of rhetoric?

dam suscipere ac profiteri videbatur, cum se ad omnia, de quibus quisque audire vellet, esse paratum denuntiaret. Postea vero vulgo hoc facere coeperunt, hodieque faciunt; ut nulla sit res, neque tanta, neque tam improvisa, neque tam nova, de qua se non omnia,
104 quae dici possunt, profiteantur esse dicturos. Quod si te, Cotta, arbitrarer, aut te, Sulpici, de eis rebus audire velle, adduxissem huc Graecum aliquem, qui vos istiusmodi disputationibus delectaret: quod ne nunc quidem difficile factu est. Est enim apud M. Pisonem, adolescentem iam huic studio deditum, summo hominem ingenio, nostrique cupidissimum, Peripateticus Staseas, homo nobis sane familiaris, et, ut inter homines peritos constare video, in illo suo genere omnium princeps.

105 XXIII. Quem tu, inquit, mihi, Mucius, Staseam, quem Peripateticum narras? Gerendus est tibi mos adolescentibus, Crasse: qui non Graeci alicuius quotidianam loquacitatem sine usu, neque ex scholis cantilenam requirunt, sed ex homine omnium sapientissimo atque eloquentissimo, atque ex eo, qui non in libellis, sed in maximis causis, et in hoc domicilio imperii et gloriae, sit consilio linguaque princeps; cuius vestigia persequi cupiunt, eius sententiam sci-
106 scitantur. Equidem te cum in dicendo semper putavi deum, tum vero tibi nunquam eloquentiae maiorem tribui laudem, quam humanitatis: qua nunc te uti vel maxime decet, neque defugere eam

and professing something very magnificent when he advertised himself as ready for any topic whatever on which anyone might have a fancy to hear him. Later, however, they began to do this everywhere, and are doing it to this day, with the result of there being no theme so vast, so unforeseen, or so novel, that they do not claim to be prepared to say about it
104 all that there is to be said. But had I supposed that you, Cotta, or you, Sulpicius, wished to listen to anything of the kind, I would have brought some Greek or other here to amuse you with discussions of that sort; and even now this can easily be managed. For staying with Marcus Piso (a young man, but already given up to this pursuit, possessing talent of the highest order and deeply devoted to myself) there is Staseas the Peripatetic, a man whom I know well enough, and who, as I understand to be agreed among experts, is quite supreme in that department of his."

105 XXIII. "Staseas! what Staseas? what Peripatetic are you talking to me about?" said Mucius. "It is for you, Crassus, to comply with the wishes of young men, who do not want the everyday chatter of some unpractised Greek, or old sing-songs out of the schools, but something from the wisest and most eloquent man in the world, and one who, not in the pages of pamphlets, but in the most momentous causes, and that too in this seat of imperial power and splendour, holds the first place for judgement and eloquence; they are anxious to learn the opinion of the man whose
106 footsteps they long to follow. Moreover, just as I have always accounted you the ideal orator, even so I have never ascribed to you higher praise for eloquence than for kindliness, which quality it becomes you on the present occasion to exercise to the very utmost,

disputationem, ad quam te duo excellentis ingenii
adolescentes cupiunt accedere.

107 Ego vero, inquit, istis obsequi studeo, neque
gravabor breviter meo more, quid quaque de re
sentiam, dicere. Ac primum illud—quoniam auctori-
tatem tuam neglegere, Scaevola, fas mihi esse non
puto—respondeo, mihi dicendi aut nullam artem, aut
pertenuem videri, sed omnem esse contentionem
inter homines doctos in verbi controversia positam.
108 Nam si ars ita definitur, ut paulo ante exposuit
Antonius, ex rebus penitus perspectis planeque cog-
nitis, atque ab opinionis arbitrio seiunctis, scientiaque
comprehensis, non mihi videtur ars oratoris esse
ulla. Sunt enim varia, et ad vulgarem popularemque
sensum accommodata omnia genera huius forensis
109 nostrae dictionis. Sin autem ea, quae observata sunt
in usu ac ratione dicendi, haec ab hominibus callidis
ac peritis animadversa ac notata, verbis designata,
generibus illustrata, partibus distributa sunt—id quod
fieri potuisse video— : non intellego, quam ob rem
non, si minus illa subtili definitione, at hac vulgari
opinione, ars esse videatur. Sed sive est ars, sive
artis quaedam similitudo, non est quidem ea negle-
genda; verum intellegendum est, alia quaedam ad
consequendam eloquentiam esse maiora.

and not to run away from the discussion into which
two young men of eminent ability are desirous of
your entering."

No, there is not a science in the strict sense, but experience can furnish a system of rules.

107 "For my part," answered the other, "I am
anxious to humour your friends, and I shall make no
difficulty about saying, in my brief fashion, what I
think upon each point. And to that first question—
since I do not think it dutiful, Scaevola, for me to
disregard your claims—I answer, 'I think there is
either no art of speaking at all or a very thin
one,' all the quarrelling in learned circles being
108 really based upon a dispute about a word. For if, as
Antonius just now explained, an art is defined as
consisting in things thoroughly examined and clearly
apprehended, and which are also outside the control
of mere opinion, and within the grasp of exact
knowledge, then to me there seems to be no such
thing as an art of oratory. For all the kinds of
language we ourselves use in public speaking are
changeable matter, and adapted to the general
109 understanding of the crowd. If however the actual
things noticed in the practice and conduct of speaking
have been heeded and recorded by men of skill
and experience, if they have been defined in terms,
illuminated by classification, and distributed under
subdivisions—and I see that it has been possible to
do this—I do not understand why this should not be
regarded as an art, perhaps not in that precise sense
of the term, but at any rate according to the other
and popular estimate. But whether this be an art,
or only something like an art, assuredly it is not to
be disdained; we must however understand that
certain other qualifications are of greater conse-
quence for the attainment of eloquence."

110 XXIV. Tum Antonius vehementer se assentire Crasso dixit, quod neque ita amplecteretur artem ut ei solerent qui omnem vim dicendi in arte ponerent, neque rursum eam totam, sicut plerique philosophi facerent, repudiaret. Sed existimo, inquit, gratum te his, Crasse, facturum, si ista exposueris, quae putas ad dicendum plus, quam ipsam artem, posse prodesse.

111 Dicam equidem, quoniam institui, petamque a vobis, inquit, ne has meas ineptias efferatis : quanquam moderabor ipse, ne, ut quidam magister atque artifex, sed quasi unus e togatorum numero, atque ex forensi usu homo mediocris, neque omnino rudis, videar, non ipse aliquid a me prompsisse, sed fortuito
112 in sermonem vestrum incidisse. Equidem, cum peterem magistratum, solebam in prensando dimittere a me Scaevolam, cum ei ita dicerem, me velle esse ineptum : id erat petere blandius ; quod nisi inepte fieret, bene non posset fieri. Hunc autem esse unum hominem ex omnibus, quo praesente ego ineptus esse minime vellem : quem quidem nunc mearum ineptiarum testem et spectatorem fortuna constituit. Nam quid est ineptius, quam de dicendo dicere, cum ipsum dicere nunquam sit non ineptum, nisi cum est necessarium ?

113 Perge vero, Crasse, inquit Mucius. Istam enim culpam, quam vereris, ego praestabo.

[a] *Ineptus*, generally equivalent to 'unhappy' or 'incongruous,' is here used loosely as meaning 'silly.' Crassus felt that his talking about oratory was as silly a business as was shaking hands with everybody when canvassing.

110 XXIV. Thereupon Antonius observed that he heartily agreed with Crassus, in that he was neither wedded to Art with the devotion of those for whom the whole virtue of oratory resided in an art, nor on the other hand did he put her away altogether, as did most of the philosophers. "But I think, Crassus," he continued, "that you will be doing these two a favour, if you will set forth those things which in your opinion may be more profitable to oratory than even Art herself."

Crassus gives results of his own experience.

111 "I will certainly name them," replied Crassus, "as I have once begun, beseeching you however not to publish abroad these trifles of mine ; although I too will restrain myself, so as not to seem a sort of master and professional, volunteering some observations of my own, but just one of all the many Roman citizens, a man modestly qualified through experience of public affairs, and not altogether untrained, who
112 has stumbled by chance upon your discussion. The truth is that, when in quest of an office, I used in canvassing to send Scaevola away from me, explaining to him that I proposed to be silly,[a] that is, to make myself winsome in my wooing, and this required some silliness if it was to be well done, whereas our friend here was of all men the one in whose presence I was least willing to appear silly. Yet he it is whom on the present occasion Fate has appointed to be an eye-witness and observer of my silliness. For what is sillier than to talk about talking, since talking in itself is ever a silly business, except when it is indispensable ?"

113 "Proceed none the less, Crassus," said Mucius, "for I will take upon myself that reproach you are dreading."

XXV. Sic igitur, inquit Crassus, sentio naturam primum, atque ingenium ad dicendum vim afferre maximam; neque vero istis, de quibus paulo ante dixit Antonius scriptoribus artis, rationem dicendi et viam, sed naturam defuisse. Nam et animi atque ingenii celeres quidam motus esse debent, qui et ad excogitandum acuti, et ad explicandum ornandumque
114 sint uberes, et ad memoriam firmi atque diuturni. Et si quis est, qui haec putet arte accipi posse, quod falsum est—praeclare enim se res habeat, si haec accendi, aut commoveri arte possint: inseri quidem, et donari ab arte non possunt omnia; sunt enim illa dona naturae—: quid de illis dicet, quae certe cum ipso homine nascuntur? linguae solutio, vocis sonus, latera, vires, conformatio quaedam et figura totius
115 oris et corporis? Neque haec ita dico, ut ars aliquid limare non possit—neque enim ignoro, et quae bona sint, fieri meliora posse doctrina, et quae non optima, aliquo modo acui tamen et corrigi posse—sed sunt quidam aut ita lingua haesitantes, aut ita voce absoni, aut ita vultu, motuque corporis vasti atque agrestes, ut, etiamsi ingeniis atque arte valeant, tamen in oratorum numerum venire non possint. Sunt autem quidam ita in eisdem rebus habiles, ita naturae muneribus ornati, ut non nati, sed ab aliquo deo ficti esse videantur.

116 Magnum quoddam est onus atque munus, sus-

The requirements of the orator: natural gifts are essential;

XXV. "This then is my opinion," resumed Crassus, "that in the first place natural talent is the chief contributor to the virtue of oratory; and indeed in those writers on the art, of whom Antonius spoke just now, it was not the principles and method of oratory that were wanting, but inborn capacity. For certain lively activities of the intelligence and the talents alike should be present, such as to be at once swift in invention, copious in exposition and embellishment, and steadfast and enduring in
114 recollection; and if there be anyone disposed to think that these powers can be derived from art, a false belief—for it would be a glorious state of things if art could even kindle or waken them into life; engrafted and bestowed by art of a certainty they cannot be, for they are all the gifts of nature,—what will he say of those other attributes which undoubtedly are innate in the man himself: the ready tongue, the ringing tones, strong lungs, vigour, suitable build and shape of the face and body as
115 a whole? And, in saying this, I do not mean that art cannot in some cases give polish,—for well I know that good abilities may through instruction become better, and that such as are not of the best can nevertheless be, in some measure, quickened and amended—, but there are some men either so tongue-tied, or so discordant in tone, or so wild and boorish in feature and gesture, that, even though sound in talent and in art, they yet cannot enter the ranks of the orators. While others there are, so apt in these same respects, so completely furnished with the bounty of nature, as to seem of more than human birth, and to have been shaped by some divinity.

116 "Great indeed are the burden and the task that

cipere, atque profiteri, se esse, omnibus silentibus, unum maximis de rebus, magno in conventu hominum, audiendum. Adest enim fere nemo, quin acutius atque acrius vitia in dicente, quam recta videat : ita, quidquid est, in quo offenditur, id etiam
117 illa, quae laudanda sunt, obruit. Neque haec in eam sententiam disputo, ut homines adolescentes, si quid naturale forte non habeant, omnino a dicendi studio deterream. Quis enim non videt, C. Coelio, aequali meo, magno honori fuisse, homini novo, illam ipsam, quamcumque assequi poterit, in dicendo mediocritatem ? Quis vestrum aequalem, Q. Varium, vastum hominem atque foedum, non intellegit illa ipsa facultate, quamcumque habet, magnam esse in civitate gratiam consecutum ?

118 XXVI. Sed quia de oratore quaerimus, fingendus est nobis oratione nostra, detractis omnibus vitiis, orator, atque omni laude cumulatus. Neque enim, si multitudo litium, si varietas causarum, si haec turba et barbaria forensis dat locum vel vitiosissimis oratoribus, idcirco nos hoc, quod quaerimus, omittemus. Itaque in eis artibus, in quibus non utilitas quaeritur necessaria, sed animi libera quaedam oblectatio, quam diligenter, et quam prope fastidiose iudicamus ! Nullae enim lites, neque controversiae

he undertakes, who puts himself forward, when all are silent, as the one man to be heard concerning the weightiest matters, before a vast assembly of his fellows. For there is hardly a soul present but will turn a keener and more penetrating eye upon defects in the speaker than upon his good points. Thus any blunder that may be committed eclipses
117 even those other things that are praiseworthy. Not that I am pressing these considerations with the idea of frightening young men away altogether from the pursuit of oratory, should they possibly lack some natural endowment. For who does not observe that Gaius Coelius, a man of my own time and of new family, reached high renown as the result of that very modest degree of eloquence which—such as it was—he had succeeded in attaining ? Who again does not know that Quintus Varius, your own contemporary, a man of wild and repellent aspect, has attained great popularity in public life, through whatever practical ability of that kind he has possessed ?

118 XXVI. "But since it is 'The Orator' we are seeking, we have to picture to ourselves in our discourse an orator from whom every blemish has been taken away, and one who moreover is rich in every merit. For even though the multiplicity of litigation, the diversity of issues, and the rabble of rusticity thronging our public places, give opportunity even to the most faulty speakers, we shall not for that reason lose sight of this our objective. In those arts then, in which we are looking, not for any necessary utility, but some method of freely bringing delight to the intellect, how critical—I had almost said how disdainful—are our judgements ! For there are no lawsuits or contentions to compel mankind to sit

though the ideal is hard to attain.

sunt, quae cogant homines, sicut in foro non bonos
119 oratores, item in theatro actores malos perpeti. Est
igitur oratori diligenter providendum, non uti illis
satisfaciat, quibus necesse est; sed ut eis admirabilis
esse videatur, quibus libere liceat iudicare. Ac, si
quaeritis, plane, quid sentiam, enuntiabo apud ho-
mines familiarissimos, quod adhuc semper tacui, et
tacendum putavi. Mihi etiam, quique optime dicunt,
quique id facillime atque ornatissime facere possunt,
tamen, nisi timide ad dicendum accedunt, et in ex-
ordienda oratione perturbantur, paene impudentes
120 videntur: tametsi id accidere non potest. Ut enim
quisque optime dicit, ita maxime dicendi difficul-
tatem, variosque eventus orationis, exspectationem-
que hominum pertimescit. Qui vero nihil potest
dignum re, dignum nomine oratoris, dignum homi-
num auribus efficere atque edere, is mihi, etiamsi
commovetur in dicendo, tamen impudens videtur.
Non enim pudendo, sed non faciendo id quod non
121 decet, impudentiae nomen effugere debemus. Quem
vero non pudet—id quod in plerisque video—, hunc
ego non reprehensione solum, sed etiam poena dignum
puto. Equidem et in vobis animadvertere soleo, et
in me ipso saepissime experior, ut exalbescam in
principiis dicendi, et tota mente, atque omnibus
artubus contremiscam; adolescentulus vero sic initio

through bad acting on the stage, as they would bear
119 with indifferent oratory in Court. Therefore our
orator must carefully see to it, that he not only
contents those whom it is necessary to satisfy, but
is wonderful as well in the eyes of such as have the
right to judge freely. And now, if you would know
it, among my most familiar friends I will publish in
simple language what I think, on which I have
hitherto always kept silence and deemed silence
fitting. In my view, even the best orators, those
who can speak with the utmost ease and elegance,
unless they are diffident in approaching a discourse
and diffident in beginning it, seem to border on the
shameless, although that can never come to pass.
120 For the better the orator, the more profoundly is
he frightened of the difficulty of speaking, and of
the doubtful fate of a speech, and of the anticipa-
tions of an audience. On the other hand, the
man who can do nothing in composition and
delivery that is worthy of the occasion, worthy
of the name of an orator, or of the ear of the
listener, still seems to me to be without shame,
be he never so agitated in his speaking; for it is
not by feeling shame at what is unbecoming, but
in not doing it, that we must escape the reproach
121 of shamelessness. While as for him who is un-
ashamed—as I see is the case with most speakers,—
I hold him deserving not merely of reprimand,
but of punishment as well. Assuredly, just as I
generally perceive it to happen to yourselves, so
I very often prove it in my own experience, that I
turn pale at the outset of a speech, and quake in
every limb and in all my soul; in fact, as a very
young man, I once so utterly lost heart in opening

accusationis exanimatus sum, ut hoc summum beneficium Q. Maximo debuerim, quod continuo consilium dimiserit, simul ac me fractum ac debilitatum metu viderit.

122 Hic omnes assensi, significare inter sese, et colloqui coeperunt. Fuit enim mirificus quidam in Crasso pudor, qui tamen non modo non obesset eius orationi, sed etiam probitatis commendatione prodesset.

XXVII. Tum Antonius: Saepe, ut dicis, inquit, animadverti, Crasse, et te, et ceteros summos oratores, quanquam tibi par, mea sententia, nemo unquam fuit,
123 in dicendi exordio permoveri. Cuius quidem rei cum causam quaererem, quidnam esset cur, ut in quoque oratore plurimum esset, ita maxime is pertimesceret, has causas inveniebam duas: unam, quod intellegerent ei, quos usus ac natura docuisset, nonnunquam summis oratoribus non satis ex sententia eventum dicendi procedere; ita non iniuria, quotiescumque dicerent, id, quod aliquando posset accidere,
124 ne tum accideret, timere. Altera est haec, de qua queri saepe soleo: ceterarum homines artium spectati et probati, si quando aliquid minus bene fecerunt, quam solent, aut noluisse, aut valetudine impediti non potuisse consequi, id quod scirent, putantur: 'Noluit,' inquiunt, 'hodie agere Roscius'; aut, 'Crudior

an indictment, that I had to thank Quintus Maximus for doing me the supreme service of promptly adjourning the hearing, the moment he saw that I was broken-down and unnerved by fear."

122 At this point the whole company began to nod approval one to another, and to talk together. For there was a marvellous kind of modesty about Crassus, though this was so far from being any disadvantage to his oratory, as positively to help it, by bearing witness to his integrity.

Orators judged less leniently than actors

XXVII. Presently Antonius observed: "I have often noticed, Crassus, that, as you say, both you and the other orators of the first rank—although in my opinion no one has ever been your peer—are deeply disturbed when you are beginning a speech.
123 Now on investigating the reason of this—how it was that, the greater an orator's capacity, the more profoundly nervous he was—I discovered this twofold explanation: first, that those who had learned from experience and knowledge of human nature understood that, even with the most eminent orators, the fate of a speech was sometimes not sufficiently in accordance with their wish; wherefore, as often as they spoke, they were justifiably fearful, lest what could possibly happen sometime
124 should actually happen then. Secondly there is something of which I often have to complain, that, whenever tried and approved exponents of the other arts have done some work with less than their wonted success, their inability to perform what they knew how to perform is explained by their being out of the humour or hindered by indisposition (people say, 'Roscius was not in the mood for acting to-day,' or 'He was a little out of sorts'); whereas, if it

fuit'; oratoris peccatum, si quod est animadversum,
125 stultitiae peccatum videtur. Stultitia autem excusationem non habet: quia nemo videtur, aut quia crudus fuerit, aut quod ita maluerit, stultus fuisse. Quo etiam gravius iudicium in dicendo subimus. Quoties enim dicimus, toties de nobis iudicatur: et, qui semel in gestu peccavit, non continuo existimatur nescire gestum; cuius autem in dicendo aliquid reprehensum est, aut aeterna in eo, aut certe diuturna valet opinio tarditatis.

126 XXVIII. Illud vero, quod a te dictum est, esse permulta, quae orator nisi a natura haberet, non multum a magistro adiuvaretur: valde tibi assentior, inque eo vel maxime probavi summum illum doctorem, Alabandensem Apollonium, qui, cum mercede doceret, tamen non patiebatur, eos, quos iudicabat non posse oratores evadere, operam apud sese perdere, dimittebatque; et ad quam quemque artem putabat esse aptum, ad eam impellere atque
127 hortari solebat. Satis est enim ceteris artificiis percipiendis, tantummodo similem esse hominis; et id, quod tradatur, vel etiam inculcetur, si quis forte sit tardior, posse percipere animo, et memoria custodire. Non quaeritur mobilitas linguae, non celeritas verborum, non denique ea, quae nobis non possumus fin-
128 gere, facies, vultus, sonus. In oratore autem acumen dialecticorum, sententiae philosophorum, verba prope

is an orator's shortcoming that is being criticized
125 the same is thought due to stupidity. But stupidity finds no apology, since no man's stupidity is set down to his having been 'out of sorts' or 'that way inclined.' And so in oratory we confront a sterner judgement. For judgement is passing upon us as often as we speak; moreover one mistake in acting does not instantly convict a player of ignorance of acting, but an orator, censured on some point of speaking, is under an established suspicion of dullness once for all, or at any rate for many a day.

Variety of gifts expected in the orator

126 XXVIII. "Now as for that remark of yours that there were very many qualifications which an orator must derive from nature, or he would not be greatly aided by tuition, I thoroughly agree with you; and in this respect I most particularly approved of that very eminent instructor Apollonius of Alabanda, who, though teaching for hire, would not for all that suffer such pupils as, in his judgement, could never turn out to be orators, to waste their labour with him, but would send them on their ways, and urge and exhort them to pursue those arts for which he
127 thought them respectively fitted. It is enough, indeed, for acquiring all other crafts, just to be a man like other men, and able to apprehend mentally and to preserve in the memory what is taught, or even crammed into the learner, should he chance to be dull beyond the ordinary. No readiness of tongue is needed, no fluency of language, in short none of those things—natural state of looks, expression, and voice—which we cannot mould for ourselves.
128 But in an orator we must demand the subtlety of the logician, the thoughts of the philosopher, a

poetarum, memoria iurisconsultorum, vox tragoedorum, gestus paene summorum actorum est requirendus. Quam ob rem nihil in hominum genere rarius perfecto oratore inveniri potest. Quae enim singularum rerum artifices singula si mediocriter adepti sunt, probantur, ea, nisi omnia summa sunt in oratore, probari non possunt.

129 Tum Crassus: Atqui vide, inquit, in artificio perquam tenui et levi, quanto plus adhibeatur diligentiae, quam in hac re, quam constat esse maximam. Saepe enim soleo audire Roscium, cum ita dicat, se adhuc reperire discipulum, quem quidem probaret, potuisse neminem: non quo non essent quidam probabiles, sed quia, si aliquid modo esset vitii, id ferre ipse non posset. Nihil est enim tam insigne, nec tam ad diuturnitatem memoriae stabile, quam id, in quo
130 aliquid offenderis. Itaque ut ad hanc similitudinem huius histrionis oratoriam laudem dirigamus, videtisne, quam nihil ab eo, nisi perfecte, nihil nisi cum summa venustate fiat, nihil nisi ita, ut deceat, et uti omnes moveat atque delectet? Itaque hoc iamdiu est consecutus, ut, in quo quisque artificio excelleret, is in suo genere Roscius diceretur. Hanc ego absolutionem perfectionemque in oratore desiderans, a qua ipse longe absum, facio impudenter: mihi enim volo ignosci, ceteris ipse non ignosco. Nam qui non potest, qui vitiose facit, quem denique non decet, hunc—ut

diction almost poetic, a lawyer's memory, a tragedian's voice, and the bearing almost of the consummate actor. Accordingly no rarer thing than a finished orator can be discovered among the sons of men. For attributes which are commended when acquired one apiece, and that in but modest degree, by other craftsmen in their respective vocations, cannot win approval when embodied in an orator, unless in him they are all assembled in perfection."

129 "And yet observe," said Crassus at this point, "how much more care is exercised in an extremely mean and trivial craft than in this art, which is admittedly the greatest. For again and again do I hear Roscius declaring that so far he has never succeeded in finding a single pupil of whom he really approved; not that there were not some who were acceptable, but because, if there was any blemish whatever in them, he himself could not endure it. For nothing stands out so conspicuously, or remains so firmly fixed in the memory, as something in which
130 you have blundered. And so, to take this comparison with this player as our standard of an orator's merit, do you not see how he does nothing otherwise than perfectly, nothing without consummate charm, nothing save in the manner befitting the occasion, and so as to move and enchant everybody? Accordingly he has long ago brought it about that, in whatsoever craft a man excelled, the same was called a Roscius in his own line. For myself, in demanding in an orator this absolute perfection, from which I myself am far removed, I am behaving shamelessly, since I want forgiveness for myself, but I do not forgive the others. For the man who is without ability, who makes mistakes, whose claim—

Defects are noticed at once.

Apollonius iubebat—ad id, quod facere possit, detrudendum puto.

131 XXIX. Num tu igitur, inquit Sulpicius, me, aut hunc Cottam, ius civile, aut rem militarem iubes discere? Nam quis ad ista summa atque in omni genere perfecta, potest pervenire? Tum ille: Ego vero, inquit, quod in vobis egregiam quamdam ac praeclaram indolem ad dicendum esse cognovi, idcirco haec exposui omnia; nec magis ad eos deterrendos, qui non possent, quam ad vos, qui possetis, exacuendos accommodavi orationem meam; et quanquam in utroque vestrum summum esse ingenium studiumque perspexi, tamen haec, quae sunt in specie posita, de quibus plura fortasse dixi, quam
132 solent Graeci dicere, in te, Sulpici, divina sunt. Ego enim neminem, nec motu corporis, neque ipso habitu atque forma aptiorem, nec voce pleniorem, aut suaviorem mihi videor audisse; quae quibus a natura minora data sunt, tamen illud assequi possunt, ut eis, quae habeant, modice et scienter utantur, et ut ne dedeceat. Id enim est maxime vitandum, et de hoc uno minime est facile praecipere, non mihi modo, qui sicut unus paterfamilias his de rebus loquor, sed etiam ipsi illi Roscio; quem saepe audio dicere, caput esse artis, decere: quod tamen unum id esse, quod tradi
133 arte non possit. Sed, si placet, sermonem alio trans-

in a word—does him discredit, should in my judgement, as Apollonius directed, be thrust down to such work as he can perform."

The natural gifts of Sulpicius and Cotta:

131 XXIX. "Would you then," said Sulpicius, "direct Cotta here, or myself, to be studying the common law or the soldier's art? For who can attain to that sublime and universal perfection which you demand?" And the other answered: "For my part, it is precisely because I recognized in you two a really remarkable and indeed splendid genius for oratory, that I have set forth all these considerations, while to stimulate you men of ability no less than to discourage the inefficient is the object of my discourse; and although I have noted in both of you talent and industry of the highest order, still as regards these advantages which depend upon the outer man, concerning which I have perhaps said more than the Greeks are wont to do, as manifested
132 in yourself, Sulpicius, they are divine. For never, I think, did I listen to a speaker better qualified in respect of gesture, and by his very bearing and presence, or to one with a voice more resonant and pleasing; while those on whom these gifts have been bestowed by nature in smaller measure, can none the less acquire the power to use what they have with propriety and discernment, and so as to show no lack of good taste. For lack of that is above all else to be avoided, and as to this particular failing it is especially difficult to lay down rules, difficult not only for me, who talk of these matters like papa laying down the law, but even for the great Roscius himself; whom I often hear affirming that the chief thing in art is to observe good taste, though how to do this is the one thing
133 that cannot be taught by art. But, by your leave,

feramus, et nostro more aliquando, non rhetorico, loquamur.

Minime vero, inquit Cotta: nunc enim te iam exoremus necesse est, quoniam retines nos in hoc studio, nec ad aliam dimittis artem, ut nobis explices, quidquid est istud, quod tu in dicendo potes; neque enim sumus nimis avidi: ista tua mediocri eloquentia contenti sumus, idque ex te quaerimus—ut ne plus nos assequamur, quam quantulum tu in dicendo assecutus es—, quoniam, quae a natura expetenda sunt, ea dicis non nimis deesse nobis, quid praeterea esse assumendum putes.

134 XXX. Tum Crassus arridens: Quid censes, inquit, Cotta, nisi studium, et ardorem quemdam amoris? sine quo cum in vita nihil quidquam egregium, tum certe hoc, quod tu expetis, nemo unquam assequetur. Neque vero vos ad eam rem video esse cohortandos; quos, cum mihi quoque sitis molesti,
135 nimis etiam flagrare intellego cupiditate. Sed profecto studia nihil prosunt perveniendi aliquo, nisi illud, quod eo, quo intendas, ferat deducatque, cognoris. Quare, quoniam mihi levius quoddam onus imponitis, neque ex me de oratoris arte, sed de hac mea, quantulacumque est, facultate quaeritis, exponam vobis quamdam, non aut perreconditam, aut valde difficilem, aut magnificam, aut gravem rationem consuetudinis meae, qua quondam solitus sum

let us shift our conversation to other subjects, and chat at last in our own fashion, and not as rhetoricians."

"On no account whatever," returned Cotta: "for since you keep us in this pursuit and do not send us away to some other art, we must now further beseech you to explain to us your own power in oratory, however much you make it out to be;—for we are not too greedy: we are quite content with what you call your 'ordinary eloquence'—and (so as not to outstrip that small degree of skill you have attained as a speaker), since you tell us that the qualities to be sought from nature are not excessively deficient in ourselves, the thing we wish to know from you is what further requisite you consider should be acquired."

134 XXX. Crassus smiled at this and replied: "What else do you suppose, Cotta, but enthusiasm and something like the passion of love? without which no man will ever attain anything in life that is out of the common, least of all this success which you covet. Not that I look upon you two as needing incitement in that direction, perceiving as I do, from the trouble you are giving even to myself, that you are aflame
135 with only too fervent a desire. Yet assuredly endeavours to reach any goal avail nothing unless you have learned what it is which leads you to the end at which you aim. And so, since the burden you lay upon me is a lighter one, and you are not examining me in the art of oratory, but as to this ability of my own, however insignificant it is, I will explain to you my habitual method, nothing particularly mysterious or exceedingly difficult, nothing grand or imposing, just the plan I used to follow in bygone

Their need of training

uti, cum mihi in isto studio versari adolescenti licebat.

136 Tum Sulpicius: O diem, Cotta, nobis, inquit, optatum! quod enim neque precibus unquam, nec insidiando, nec speculando assequi potui, ut, quid Crassus ageret, meditandi aut dicendi causa, non modo videre mihi, sed ex eius scriptore et lectore Diphilo suspicari liceret; id spero nos esse adeptos, omniaque iam ex ipso, quae diu cupimus, cognituros.

137 XXXI. Tum Crassus: Atqui arbitror, Sulpici, cum audieris, non tam te haec admiraturum, quae dixero, quam existimaturum, tum, cum ea audire cupiebas, causam cur cuperes, non fuisse. Nihil enim dicam reconditum, nihil exspectatione vestra dignum, nihil aut inauditum vobis, aut cuiquam novum. Nam principio illud, quod est homine ingenuo liberaliterque educato dignum, non negabo me ista omnium
138 communia et contrita praecepta didicisse: primum oratoris officium esse, dicere ad persuadendum accommodate; deinde, esse omnem orationem aut de infinitae rei quaestione, sine designatione personarum et temporum, aut de re certis in personis ac tem-
139 poribus locata; in utraque autem re quidquid in controversiam veniat, in eo quaeri solere, aut factumne sit, aut, si est factum, quale sit, aut etiam quo nomine vocetur, aut, quod nonnulli addunt, rectene
140 factum esse videatur; exsistere autem controversias

times, when I was a young man, with liberty to busy myself in that pursuit of yours."

136 At these words Sulpicius exclaimed: "Cotta, behold our longed-for day! For the thing that by entreaties, or lying in wait, or spying, I could never secure,—I mean a chance of observing what Crassus was doing for the purposes of training or rehearsal, I do not say at first-hand, but at least by getting some hint from Diphilus, his secretary and reader,—this I hope you and I have gained, and we are now to learn from his own lips everything that we have long been desiring."

The school course in rhetoric.

137 XXXI. "And yet I think, Sulpicius," continued Crassus, "that after hearing them you will be less likely to wonder at my observations than to decide that, when you were longing to hear them, there was no ground for your longing. For I shall tell no mystery, nothing worthy of your waiting, nothing that you have not heard already, or that is new to anyone. For to begin with, in regard to what befits a free-born man of liberal education, I will not deny that I learned those commonplace and
138 well-worn maxims of teachers in general: first, that the duty of an orator is to speak in a style fitted to convince; next, that every speech has to do either with the investigation of a general question, wherein no persons or occasions are indicated, or with a problem that is concerned with specific individuals
139 and times; moreover that in both cases, whatever the subject for debate, it is usual for inquiry to be made in respect thereof, either whether a deed was done or, if it was done, what is its character, or again by what name is it known or, as some add, whether it appears to have been done lawfully;

etiam ex scripti interpretatione, in quo aut ambigue quid sit scriptum, aut contrarie, aut ita, ut a sententia scriptum dissideat: his autem omnibus partibus
141 subiecta quaedam esse argumenta propria. Sed causarum, quae sint a communi quaestione seiunctae, partim in iudiciis versari, partim in deliberationibus; esse etiam genus tertium, quod in laudandis aut vituperandis hominibus poneretur; certosque esse locos, quibus in iudiciis uteremur, in quibus aequitas quaereretur; alios in deliberationibus, qui omnes ad utilitatem dirigerentur eorum, quibus consilium daremus: alios item in laudationibus, in quibus ad per-
142 sonarum dignitatem omnia referrentur. Cumque esset omnis oratoris vis ac facultas in quinque partes distributa; ut deberet reperire primum, quid diceret; deinde inventa non solum ordine, sed etiam momento quodam atque iudicio dispensare atque componere; tum ea denique vestire atque ornare oratione; post memoria saepire; ad extremum agere cum dignitate
143 ac venustate: etiam illa cognoram, et acceperam, antequam de re diceremus, initio conciliandos eorum esse animos, qui audirent; deinde rem demonstrandam; postea controversiam constituendam; tum id, quod nos intenderemus, confirmandum; post, quae contra dicerentur, refellenda; extrema autem oratione, ea, quae pro nobis essent, amplificanda et augenda; quaeque essent pro adversariis, infirmanda atque frangenda.

[a] These *loci communes* are the 'stock' arguments and general reflexions referred to in § 56 *supra*.

140 further that contentions also arise out of the construction of a document, wherein there is some ambiguity or contradiction, or something is so expressed that the written word is at variance with the intention; and again that to all these kinds certain modes of proof are assigned as appropriate.
141 Again I heard that, of such questions as are distinct from general issues, some have their place in courts of justice, others in deliberations; while there was yet a third kind, which had to do with the extolling or reviling of particular persons; and that there were prescribed commonplaces [a] which we were to employ in the law-courts where equity was our aim; others for use in deliberations, all of which were arranged for the benefit of those to whom we might be giving counsel; and others again in panegyric, wherein the sole consideration was the greatness of the
142 individuals concerned. And, since all the activity and ability of an orator falls into five divisions, I learned that he must first hit upon what to say; then manage and marshal his discoveries, not merely in orderly fashion, but with a discriminating eye for the exact weight as it were of each argument; next go on to array them in the adornments of style; after that keep them guarded in his memory; and in the
143 end deliver them with effect and charm: I had also been taught that, before speaking on the issue, we must first secure the goodwill of our audience; that next we must state our case; afterwards define the dispute; then establish our own allegations; subsequently disprove those of the other side; and in our peroration expand and reinforce all that was in our favour, while we weakened and demolished whatever went to support our opponents.

144 XXXII. Audieram etiam, quae de orationis ipsius
ornamentis traderentur : in qua praecipitur primum,
ut pure et latine loquamur ; deinde ut plane et
dilucide ; tum ut ornate ; post ad rerum dignitatem
apte et quasi decore : singularumque rerum prae-
145 cepta cognoram. Quin etiam, quae maxime propria
essent naturae, tamen his ipsis artem adhiberi vide-
ram : nam de actione et de memoria quaedam brevia,
sed magna cum exercitatione praecepta gustaram.

In his enim fere rebus omnis istorum artificum doc-
trina versatur, quam ego si nihil dicam adiuvare,
mentiar. Habet enim quaedam quasi ad commonen-
dum oratorem, quo quidque referat, et quo intuens,
ab eo, quodcumque sibi proposuerit, minus aberret.
146 Verum ego hanc vim intellego esse in praeceptis
omnibus, non ut ea secuti oratores, eloquentiae
laudem sint adepti, sed, quae sua sponte homines
eloquentes facerent, ea quosdam observasse atque
collegisse ; sic esse non eloquentiam ex artificio, sed
artificium ex eloquentia natum : quod tamen, ut
ante dixi, non eiicio : est enim, etiamsi minus neces-
sarium ad bene dicendum, tamen ad cognoscendum
147 non illiberale. Et exercitatio quaedam suscipienda
vobis est : quanquam vos quidem iampridem estis in
cursu ; sed eis, qui ingrediuntur in stadium, quique
ea, quae agenda sunt in foro, tanquam in acie, pos-
sunt etiam nunc exercitatione quasi ludicra prae-
discere ac meditari.

Rules of diction.

144 XXXII. "I had listened also to the traditional
precepts for the embellishment of discourse itself:
that we must speak, in the first place, pure and
correct Latin, secondly with simple lucidity, thirdly
with elegance, lastly in a manner befitting the
dignity of our topics and with a certain grace; and
on these several points I had learnt particular
145 maxims. Moreover I had seen art called in to aid
even those qualities which are peculiarly the endow-
ment of nature: for example, concerning delivery
and the memory, I had taken a taste of certain rules
which, though concise, involved much practice.

Practice essential.

"For it is matters like these that employ nearly
all the learning of your professors; and if I were
to call this learning useless, I should be lying.
For in fact it contains certain reminders, as it were,
for the orator, as to the standard he must apply on
each occasion, and must keep in mind, if he is not
to wander from whatever course he has set himself.
146 But to my thinking the virtue in all the rules is, not
that orators by following them have won a reputation
for eloquence, but that certain persons have noted
and collected the doings of men who were naturally
eloquent: thus eloquence is not the offspring of the
art, but the art of eloquence: even so, as I said before,
I do not reject art, for though perhaps hardly essential
to right speaking, still it is no ignoble help towards
147 right knowledge. There is also a certain practical
training that you must undergo—though indeed you
two are already in full career,—I mean it is for those
who are at the start of their race, and can even thus
early learn beforehand and practise, by a training
like that for the games, what will have to be done in
the fighting-line, so to speak, of the Courts."

148 Hanc ipsam, inquit Sulpicius, nosse volumus: attamen ista, quae abs te breviter de arte decursa sunt, audire cupimus, quanquam sunt nobis quoque non inaudita. Verum illa mox: nunc, de ipsa exercitatione quid sentias, quaerimus.

149 XXXIII. Equidem probo ista, Crassus inquit, quae vos facere soletis, ut, causa aliqua posita consimili causarum earum, quae in forum deferuntur, dicatis quam maxime ad veritatem accommodate. Sed plerique in hoc vocem modo, neque eam scienter, et vires exercent suas, et linguae celeritatem incitant, verborumque frequentia delectantur. In quo fallit eos, quod audierunt, dicendo homines, ut dicant,
150 efficere solere. Vere enim etiam illud dicitur, perverse dicere, homines, perverse dicendo, facillime consequi. Quam ob rem in istis ipsis exercitationibus, etsi utile est, etiam subito saepe dicere, tamen illud utilius, sumpto spatio ad cogitandum, paratius atque accuratius dicere. Caput autem est, quod, ut vere dicam, minime facimus—est enim magni laboris, quem plerique fugimus—, quam plurimum scribere. Stilus optimus et praestantissimus dicendi effector ac magister: neque iniuria. Nam si subitam et fortuitam orationem commentatio et cogitatio facile vincit; hanc ipsam profecto assidua ac diligens scriptura
151 superabit. Omnes enim, sive artis sunt loci, sive ingenii cuiusdam atque prudentiae, qui modo insunt in ea re, de qua scribimus, anquirentibus nobis,

148 "This training," said Sulpicius, "is the very thing we wish to understand: and none the less we are longing to hear you on those precepts of the art over which you have briefly run, although those too are not unknown to us. But of them presently; for the moment we want your opinion on the training itself."

149 XXXIII. "I certainly approve," replied Crassus, "of what you yourselves are in the habit of doing, when you propound some case, closely resembling such as are brought into Court, and argue it in a fashion adapted as nearly as possible to real life. Most students however, in so doing, merely exercise their voices (and that in the wrong way), and their physical strength, and whip up their rate of utterance, and revel in a flood of verbiage. This mistake is due to their having heard it said that it is by speaking
150 that men as a rule become speakers. But that other adage is just as true,—that by speaking badly men very easily succeed in becoming bad speakers. This is why, in those exercises of your own, though there is a value in plenty of extempore speaking, it is still more serviceable to take time for consideration, and to speak better prepared and more carefully. But the chief thing is what, to tell the truth, we do least (for it needs great pains which most of us shirk),—to write as much as possible. The pen is the best and most eminent author and teacher of eloquence, and rightly so. For if an extempore and casual speech is easily beaten by one prepared and thought-out, this latter in turn will assuredly be surpassed by what has
151 been written with care and diligence. The truth is that all the commonplaces, whether furnished by art or by individual talent and wisdom, at any rate such as appertain to the subject of our writing, appear

Rules for preparatory training.

omnique acie ingenii contemplantibus ostendunt se et occurrunt; omnesque sententiae, verbaque omnia, quae sunt cuiusque generis maxime illustria, sub acumen stili subeant et succedant necesse est; tum ipsa collocatio conformatioque verborum perficitur in scribendo, non poetico, sed quodam oratorio numero et modo.

152 Haec sunt, quae clamores et admirationes in bonis oratoribus efficiunt; neque ea quisquam, nisi diu multumque scriptitarit, etiamsi vehementissime se in his subitis dictionibus exercuerit, consequetur; et qui a scribendi consuetudine ad dicendum venit, hanc affert facultatem, ut, etiam subito si dicat, tamen illa, quae dicantur, similia scriptorum esse videantur; atque etiam, si quando in dicendo scriptum attulerit aliquid, cum ab eo discesserit, reliqua similis oratio
153 consequetur. Ut concitato navigio, cum remiges inhibuerunt, retinet tamen ipsa navis motum et cursum suum, intermisso impetu pulsuque remorum: sic in oratione perpetua, cum scripta deficiunt, parem tamen obtinet oratio reliqua cursum, scriptorum similitudine et vi concitata.

154 XXXIV. In quotidianis autem commentationibus equidem mihi adolescentulus proponere solebam illam exercitationem maxime, qua C. Carbonem, nostrum illum inimicum, solitum esse uti sciebam, ut aut versibus propositis quam maxime gravibus, aut

and rush forward as we are searching out and surveying the matter with all our natural acuteness; and all the thoughts and expressions, which are the most brilliant in their several kinds, must needs flow up in succession to the point of our pen; then too the actual marshalling and arrangement of words is made perfect in the course of writing, in a rhythm and measure proper to oratory as distinct from poetry.

152 "These are the things which in good orators produce applause and admiration; and no man will attain these except by long and large practice in writing, however ardently he may have trained himself in those off-hand declamations; he too who approaches oratory by way of long practice in writing, brings this advantage to his task, that even if he is extemporizing, whatever he may say bears a likeness to the written word; and moreover if ever, during a speech, he has introduced a written note, the rest of his discourse, when he turns away from
153 the writing, will proceed in unchanging style. Just as when a boat is moving at high speed, if the crew rest upon their oars, the craft herself still keeps her way and her run, though the driving force of the oars has ceased, so in an unbroken discourse, when written notes are exhausted, the rest of the speech still maintains a like progress, under the impulse given by the similarity and energy of the written word.

154 XXXIV. "For my part, in the daily exercises of youth, I used chiefly to set myself that task which I knew Gaius Carbo, my old enemy, was wont to practise: this was to set myself some poetry, the most impressive to be found, or to read as much of

oratione aliqua lecta ad eum finem, quem memoria possem comprehendere, eam rem ipsam, quam legissem, verbis aliis quam maxime possem lectis, pronuntiarem. Sed post animadverti, hoc esse in hoc vitii, quod ea verba, quae maxime cuiusque rei propria, quaeque essent ornatissima atque optima, occupasset aut Ennius, si ad eius versus me exercerem, aut Gracchus, si eius orationem mihi forte proposuissem. Ita, si eisdem verbis uterer, nihil prodesse; si aliis, etiam obesse, cum minus idoneis
155 uti consuescerem. Postea mihi placuit, eoque sum usus adolescens, ut summorum oratorum graecas orationes explicarem. Quibus lectis hoc assequebar, ut, cum ea, quae legerem graece, latine redderem, non solum optimis verbis uterer, et tamen usitatis, sed etiam exprimerem quaedam verba imitando, quae nova nostris essent, dummodo essent idonea.

156 Iam vocis, et spiritus, et totius corporis, et ipsius linguae motus et exercitationes, non tam artis indigent, quam laboris; quibus in rebus habenda est ratio diligenter, quos imitemur, quorum similes velimus esse. Intuendi nobis sunt non solum oratores, sed etiam actores, ne mala consuetudine ad aliquam
157 deformitatem pravitatemque veniamus. Exercenda est etiam memoria, ediscendis ad verbum quam plurimis et nostris scriptis, et alienis. Atque in ea exercitatione non sane mihi displicet adhibere, si consueris, etiam istam locorum simulacrorumque

[a] The speeches of C. Gracchus (see Index) were studied as models in the rhetorical schools of the Empire.

[b] Crassus is speaking of some system of mnemonics, such as Antonius discusses in Book II, lxxxvi.-lxxxviii.

some speech as I could keep in my memory, and then to declaim upon the actual subject-matter of my reading, choosing as far as possible different words. But later I noticed this defect in my method, that those words which best befitted each subject, and were the most elegant and in fact the best, had been already seized upon by Ennius, if it was on his poetry that I was practising, or by Gracchus,[a] if I chanced to have set myself a speech of his. Thus I saw that to employ the same expressions profited me nothing, while to employ others was a positive hindrance, in that I was forming the habit of using
155 the less appropriate. Afterwards I resolved,—and this practice I followed when somewhat older,—to translate freely Greek speeches of the most eminent orators. The result of reading these was that, in rendering into Latin what I had read in Greek, I not only found myself using the best words—and yet quite familiar ones—but also coining by analogy certain words such as would be new to our people, provided only they were appropriate.

156 "To proceed, the control and training of voice, breathing, gestures and the tongue itself, call for exertion rather than art; and in these matters we must carefully consider whom we are to take as patterns, whom we should wish to be like. We have to study actors as well as orators, that bad practice may not lead us into some inelegant or ugly habit.
157 The memory too must be trained by carefully learning by heart as many pieces as possible both from our Latin writers and the foreigner. Moreover in this work I do not altogether dislike the use as well, if you are accustomed to it, of that system of associating commonplaces with symbols[b] which is

rationem, quae in arte traditur. Educenda deinde dictio est ex hac domestica exercitatione et umbratili medium in agmen, in pulverem, in clamorem, in castra, atque in aciem forensem; subeundus usus omnium, et periclitandae vires ingenii; et illa commentatio inclusa in veritatis lucem proferenda est.
158 Legendi etiam poetae, cognoscenda historia, omnium bonarum artium scriptores ac doctores et legendi, et pervolutandi, et exercitationis causa laudandi, interpretandi, corrigendi, vituperandi, refellendi; disputandumque de omni re in contrarias partes, et, quidquid erit in quaque re, quod probabile videri
159 possit, eliciendum atque dicendum; perdiscendum ius civile, cognoscendae leges, percipienda omnis antiquitas, senatoria consuetudo, disciplina reipublicae, iura sociorum, foedera, pactiones, causa imperii cognoscenda est: libandus est etiam ex omni genere urbanitatis facetiarum quidam lepos; quo, tanquam sale, perspergatur omnis oratio.

Effudi vobis omnia, quae sentiebam, quae fortasse, quemcumque patremfamilias arripuissetis ex aliquo circulo, eadem vobis percunctantibus respondisset.

160 XXXV. Haec cum Crassus dixisset, silentium est consecutum. Sed quanquam satis eis, qui aderant, ad id, quod erat propositum, dictum videbatur, tamen sentiebant celerius esse multo, quam ipsi vellent, ab eo peroratum. Tum Scaevola: Quid est, Cotta? inquit, quid tacetis? Nihilne vobis in mentem venit, quod praeterea a Crasso requiratis?

taught in the profession. Then at last must our Oratory be conducted out of this sheltered training-ground at home, right into action, into the dust and uproar, into the camp and the fighting-line of public debate; she must face putting everything to the proof and test the strength of her talent, and her secluded preparation must be brought forth into the
158 daylight of reality. We must also read the poets, acquaint ourselves with histories, study and peruse the masters and authors in every excellent art, and by way of practice praise, expound, emend, criticize and confute them; we must argue every question on both sides, and bring out on every topic whatever
159 points can be deemed plausible; besides this we must become learned in the common law and familiar with the statutes, and must contemplate all the olden time, and investigate the ways of the senate, political philosophy, the rights of allies, the treaties and conventions, and the policy of empire; and lastly we have to cull, from all the forms of pleasantry, a certain charm of humour, with which to give a sprinkle of salt, as it were, to all of our discourse.

"Well, I have poured out for you all my ideas, and perhaps any chance patriarch, upon whom you had fastened at some party or other, would have given the same replies to your interrogatories."

Further detail requested.

160 XXXV. When Crassus had finished these observations, a general silence ensued. But though the company held that he had said enough on the topic propounded to him, yet they felt that he had ended far more speedily than they could have wished. Then Scaevola inquired, "Well, Cotta, why are you two silent? Does nothing come to mind on which you would like to question Crassus further?"

161 Immo id mehercule, inquit, ipsum attendo. Tantus enim cursus verborum fuit, et sic evolavit oratio, ut eius vim atque incitationem aspexerim, vestigia ingressumque vix viderim; et tanquam in aliquam locupletem ac refertam domum venerim, non explicata veste, neque proposito argento, neque tabulis et signis propalam collocatis, sed his omnibus multis magnificisque rebus constructis ac reconditis: sic modo in oratione Crassi divitias atque ornamenta eius ingenii per quaedam involucra atque integumenta perspexi; sed ea cum contemplari cuperem, vix aspiciendi potestas fuit. Ita neque hoc possum dicere, me omnino ignorare, quid possideat, neque plane nosse, ac vidisse.

162 Quin tu igitur facis idem, inquit Scaevola, quod faceres, si in aliquam domum, plenam ornamentorum, villamve venisses? Si ea seposita, ut dicis, essent, tu valde spectandi cupidus esses; non dubitares rogare dominum, ut proferri iuberet, praesertim si esses familiaris. Similiter nunc petes a Crasso, ut eam copiam ornamentorum suorum, quam constructam uno in loco, quasi per transennam praetereuntes strictim aspeximus, in lucem proferat, et suo quidque in loco collocet?

163 Ego vero, inquit Cotta, a te peto, Scaevola—me enim, et hunc Sulpicium impedit pudor ab homine omnium gravissimo, qui genus huiusmodi disputationis semper contempserit, haec, quae isti forsitan

161 "In truth," replied the other, "that is just what I am considering. For so great was the speed of his words, and so swiftly winged his discourse that, while realizing its rushing energy, I could hardly follow the traces of its advance; and just as though I had entered some richly stored mansion, wherein the draperies were not unrolled, nor the plate set forth, nor the pictures and statuary displayed to view, but all these many and splendid things were piled together and hidden away: even so just now, during this discourse of Crassus, I discerned the wealth and magnificence of his talent as through some wrappings and coverings, but though I was longing to scrutinize them, I had hardly the chance of a peep. And so I cannot say either that I know nothing at all of the extent of his possessions, or that I know and have seen them clearly."

162 "Why not do then," said Scaevola, "as you would do, if you had come to some mansion or country-house that was full of objects of art? If these were laid aside, as you describe, and you had a strong desire to behold them, you would not hesitate to ask the master of the house to order them to be brought out, especially if you were his familiar friend. So too now will you beg Crassus to bring out into the daylight that abundance of his treasures, of which, piled together in one place, we in passing have caught just a glimpse, as through a lattice, and also to set up every piece in its proper position?"

163 "Nay," replied Cotta, "I beg you, Scaevola, to do so (for modesty hinders myself and Sulpicius here from asking the most eminent of men, and one who has always despised this kind of debate, about things which to him may well seem the elementary con-

puerorum elementa videantur, exquirere— : sed tu hoc nobis da, Scaevola, et perfice, ut Crassus haec, quae coarctavit, et peranguste refersit in oratione sua, dilatet nobis atque explicet.

164 Ego mehercule, inquit Mucius, antea vestra magis hoc causa volebam, quam mea : neque enim tantopere hanc a Crasso disputationem desiderabam, quantopere eius in causis oratione delector. Nunc vero, Crasse, mea quoque etiam causa rogo, ut, quoniam tantum habemus otii, quantum iamdiu nobis non contigit, ne graveris exaedificare id opus, quod instituisti. Formam enim totius negotii opinione maiorem melioremque video ; quam vehementer probo.

165 XXXVI. Enimvero, inquit Crassus, mirari satis non queo, etiam te haec, Scaevola, desiderare, quae neque ego teneo, uti ei qui docent ; neque sunt eius generis, ut, si optime tenerem, digna essent ista sapientia ac tuis auribus. Ain' tu ? inquit ille. Si de istis communibus et pervagatis vix huic aetati audiendum putas, etiamne illa neglegere possumus, quae tu oratori cognoscenda esse dixisti, de naturis hominum, de moribus, de rationibus eis, quibus hominum mentes et incitarentur et reprimerentur, de historia, de antiquitate, de administratione reipublicae, denique de nostro ipso iure civili ? Hanc enim ego omnem scientiam, et copiam rerum in tua prudentia sciebam inesse ; in oratoris vero

cerns of schoolboys) : but do us this favour yourself, Scaevola, and persuade Crassus to enlarge upon and develop for us everything that in his discourse he has compressed and stuffed into the narrowest of spaces."

164 "Truly for my part," said Mucius, "at first it was more for your sake than my own that I desired this : for my anxiety to hear this discourse from Crassus was not commensurate with the delight afforded me by his speeches in Court. But now, Crassus, for my own sake as well I ask you, since we are enjoying leisure more ample than has been allotted to us for a long time, not to find it a trouble to complete the structure you have begun. For I perceive the design of the undertaking as a whole to be better and more comprehensive than I looked for ; and one of which I heartily approve."

165 XXXVI. "Well to be sure," said Crassus, "I cannot feel surprised enough, Scaevola, that you too should ask for these things, which I do not understand as do those who teach them, and which are not of such a nature that, even if I understood them perfectly, they would be worthy of your wisdom and your ear." "You don't say so !" answered the other. "Even if you think these everyday and hackneyed maxims hardly deserving of the attention of a man of my years, can we for all that neglect the truths which, you have told us, the orator must know, concerning varieties of human nature, ethics, the methods of kindling and calming the minds of men, history, ancient times, the government of the State, and lastly our own science of common law ? For I knew that all this knowledge and this multitude of things were to be found in your wisdom ; but I had

Instances of importance of legal knowledge.

instrumento tam lautam supellectilem nunquam videram.

166 Potes igitur, inquit Crassus—ut alia omittam innumerabilia et immensa, et ad ipsum tuum ius civile veniam—, oratores putare eos, quos multas horas exspectavit, cum in campum properaret, et ridens et stomachans Scaevola, cum Hypsaeus maxima voce, plurimis verbis, a M. Crasso praetore contenderet, ut ei, quem defendebat, causa cadere liceret, Cn. autem Octavius, homo consularis, non minus longa oratione recusaret, ne adversarius causa caderet, ac ne is, pro quo ipse diceret, turpi tutelae iudicio, atque omni molestia, stultitia adversarii,

167 liberaretur? Ego vero istos, inquit—memini enim mihi narrare Mucium—, non modo oratoris nomine, sed ne foro quidem dignos putarim. Atqui non defuit illis patronis, inquit Crassus, eloquentia, neque dicendi ratio aut copia, sed iuris civilis prudentia: quod alter plus, lege agendo, petebat, quam quantum lex in Duodecim Tabulis permiserat; quod cum impetrasset, causa caderet: alter iniquum putabat plus secum agi, quam quod erat in actione; neque intellegebat, si ita esset actum, litem adversarium perditurum.

168 XXXVII. Quid? his paucis diebus, nonne, nobis

never observed furniture so sumptuous in the outfit of an orator."

166 "Can you then," said Crassus "(to pass over other matters innumerable and of vast importance, and come to your favourite common law itself), can you consider those men to be orators, for whom Scaevola, half laughing and half enraged, waited many hours, though in a hurry to start for the Playing Field, while Hypsaeus, at the top of his voice and with most exuberant verbosity, was struggling to procure from Marcus Crassus the praetor the non-suiting of the party for whom he himself was appearing, and Gnaeus Octavius, though a man of consular rank, was objecting, in a speech every bit as long, to having his opponent cast in his suit, and his own client relieved, by the folly of the other side, from a degrading verdict of dishonest guardianship

167 and from all trouble whatever?" "No," returned Scaevola, "as for such men (for I remember having the story from Mucius), I should not hold them fit even to appear in Court, much less to bear the title of orators." "And yet," Crassus went on, "it was not eloquence, or the art of speaking, or copiousness that was wanting in those counsel, but knowledge of the common law: for the one was claiming, by action on the statute, more than the provision in the Twelve Tables permitted and, had he carried his point, his action must fail: the other thought it unjust that the claim against him should be for more than the amount in suit; not observing that, if the issue had been defined in that way, his opponent would lose his case.

168 XXXVII. "Again, within these last few days, when we were sitting as assessors on the Bench of

in tribunali Q. Pompeii, praetoris urbani, familiaris nostri, sedentibus, homo ex numero disertorum postulabat, ut illi, unde peteretur, vetus atque usitata exceptio daretur, CUIUS PECUNIAE DIES FUISSET? quod petitoris causa comparatum esse, non intellegebat: ut, si ille infitiator probasset iudici ante petitam esse pecuniam quam esset coepta deberi, petitor, rursus cum peteret, ne exceptione excluderetur, QUOD EA RES
169 IN IUDICIUM ANTEA VENISSET. Quid ergo hoc fieri turpius, aut dici potest, quam eum, qui hanc personam susceperit, ut amicorum controversias causasque tueatur, laborantibus succurrat, aegris medeatur, afflictos excitet, hunc in minimis tenuissimisque rebus ita labi, ut aliis miserandus, aliis irridendus esse videatur?

170 Equidem propinquum nostrum, P. Crassum, illum Divitem, cum multis aliis rebus elegantem hominem et ornatum, tum praecipue in hoc efferendum et laudandum puto, quod, cum P. Scaevola frater esset, solitus est ei persaepe dicere, neque illum in iure civili satis illi arti facere posse, nisi dicendi copiam assumpsisset—quod quidem hic, qui mecum consul fuit, filius eius, est consecutus—; neque se ante causas amicorum tractare atque agere coepisse, quam ius civile didicisset.

171 Quid vero ille M. Cato? Nonne et eloquentia tanta fuit, quantam illa tempora, atque illa aetas in hac civitate ferre maximam potuit, et iuris civilis

[a] 95 B.C.

our friend Quintus Pompeius, the City praetor, did not one of our accomplished advocates apply, on behalf of the defendant in an action of debt, for the insertion of the ancient and familiar restriction, '*As regards such moneys as have already accrued due*,' not understanding that this clause had been ordained for the benefit of a plaintiff, to the end that, if a repudiating defendant should satisfy the judge that money had been claimed before it had become payable, the plaintiff should not be barred, on bringing a fresh action, by the special plea '*That this*
169 *matter has already been litigated*'? Can anything then more unseemly be done or suggested than this, that the very man who has undertaken the part of the champion of the quarrels and interests of his friends, of their helper in trouble, the healer of their sufferings, and their upholder when they have fallen, should blunder so grossly in the most trifling and insignificant technicalities, as to arouse the pity of some, and the ridicule of others?

170 "Assuredly I think that our relative Publius Crassus, surnamed Dives, while in many other ways a man of taste and accomplishment, was particularly to be extolled and eulogized for this that, being the brother of Publius Scaevola, he used continually to tell him that in common law he could never do justice to his art, without acquiring as well a copious diction (advice certainly followed by this son of his, who was my colleague in the consulship [a]), and that he himself had learned the common law, before he began to handle and conduct the causes of his friends.

171 "And what of the eminent Marcus Cato? Did he not combine eloquence as grand as those times and that epoch could produce in this State, with an un-

omnium peritissimus? Verecundius hac de re iamdudum loquor, quod adest vir in dicendo summus, quem ego unum oratorem maxime admiror; sed
172 tamen idem hoc semper ius civile contempsit. Verum, quoniam sententiae atque opinionis meae voluistis esse participes, nihil occultabo; et, quoad potero, vobis exponam quid de quaque re sentiam.

XXXVIII. Antonii incredibilis quaedam, et prope singularis et divina vis ingenii videtur, etiamsi hac scientia iuris nudata sit, posse se facile ceteris armis prudentiae tueri atque defendere. Quam ob rem hic nobis sit exceptus; ceteros vero non dubitabo primum inertiae condemnare sententia mea, post etiam
173 impudentiae. Nam volitare in foro, haerere in iure ac praetorum tribunalibus, iudicia privata magnarum rerum obire, in quibus saepe non de facto, sed de aequitate ac iure certetur, iactare se in causis centumviralibus, in quibus usucapionum, tutelarum, gentilitatum, agnationum, alluvionum, circumluvionum, nexorum, mancipiorum, parietum, luminum, stillicidiorum, testamentorum ruptorum aut ratorum, ceterarumque rerum innumerabilium iura versentur, cum omnino, quid suum, quid alienum, quare denique civis aut peregrinus, servus aut liber quispiam sit, ignoret, insignis est impudentiae.

[a] A bench of judges appointed yearly for civil suits, especially those relating to inheritance.

equalled knowledge of the common law? It is with some diffidence that I have been so long discussing this topic, when we have with us the greatest of speakers, a man whom I admire above all others as an unique orator, but who nevertheless has always
172 despised this common law. Since however you have sought to be partakers of my view and my judgement, I will suppress nothing but, so far as lies in my power, will lay before you what I think upon every point.

Only genius can dispense with study.

XXXVIII. "In Antonius what I may call a marvellous and almost unrivalled and godlike power of genius seems, even without the protection of this legal knowledge, to be able easily to guard and defend itself with the rest of the armoury of practical wisdom. Let him then be left out of our indictment but, as for the rest, I shall not hesitate to give my vote for a verdict of 'Guilty,' first of
173 laziness and secondly of effrontery as well. For to flit around the Courts, to loiter about the Bench and judgement-seats of the praetors, to engage in civil proceedings involving weighty interests, in which the dispute is often not as to facts but as to equity and law, to vaunt oneself in cases before the Hundred Commissioners,[a] where are debated the rights concerning long user, guardianship, clanship, relationship through males, alluvial accessions, the formation of islands, obligations, sales, party-walls, ancient lights, rain-drip from the eaves, the revocation or establishment of wills, and all those other matters innumerable, when a man is wholly ignorant as to what is his own and what another's, and even of the essential difference between citizen and foreigner, or between bond and free, this is the mark of no ordinary effrontery.

174 Illa vero deridenda arrogantia est, in minoribus navigiis rudem esse se confiteri; quinqueremes, aut etiam maiores, gubernare didicisse. Tu mihi cum in circulo decipiare adversarii stipulatiuncula, et cum obsignes tabellas clientis tui, quibus in tabellis id sit scriptum, quo ille capiatur; ego tibi ullam causam maiorem committendam putem? Citius hercule is, qui duorum scalmorum naviculam in portu everterit, in Euxino ponto Argonautarum navem
175 gubernarit! Quid, si ne parvae quidem causae sunt, sed saepe maximae, in quibus certatur de iure civili; quod tandem os est illius patroni, qui ad eas causas sine ulla scientia iuris audet accedere? Quae potuit igitur esse causa maior, quam illius militis, de cuius morte cum domum falsus ab exercitu nuntius venisset, et pater eius, re credita, testamentum mutasset, et, quem ei visum esset, fecisset heredem, essetque ipse mortuus: res delata est ad centumviros, cum miles domum revenisset, egissetque lege in hereditatem paternam, testamento exheres filius? Nempe in ea causa quaesitum est de iure civili, possetne paternorum bonorum exheres esse filius, quem pater testamento neque heredem, neque exheredem scripsisset nominatim.

176 XXXIX. Quid? qua de re inter Marcellos et Claudios patricios centumviri iudicarunt, cum Mar-

174 "Derision surely befits his presumption, who owns himself a raw hand in managing smaller barks, while claiming to have learned the piloting of five-banked galleys or vessels larger still. When I see you trapped in a private conference by a quibble of your opponent's, and sealing up your client's deed, such deed containing the words by which he is defeated, can I think that any case of real importance ought to be entrusted to you? Sooner, I vow, shall he who has upset a pair-oared skiff in harbour navigate the
175 ship of the Argonauts upon the Euxine Sea! Suppose however that the cases are not even trifling, but often of the greatest moment, involving a dispute about the common law: what cheek, I ask you, has that advocate who, without any legal knowledge, ventures to undertake the conduct of these proceedings? What case, for example, could be more important than that of the well-known soldier, of whose death false news had arrived home from the army, and whose father, believing the tale, had altered his will, and instituted an heir of his own choosing, and then died himself: the matter came before the Hundred Commissioners, upon the soldier returning home and starting an action on the statute for the recovery of his paternal inheritance, as a son disinherited by will? Certainly in this case the issue was one of common law, that is to say, whether or not a son could be disinherited in respect of his father's estate, when such father in his will had neither instituted him heir nor disinherited him by name.

176 XXXIX. "What again of the dispute between the Marcellans and the patrician Claudians, determined by the Hundred Commissioners, the Marcellans

Need of erudition proved by instances.

celli ab liberti filio stirpe, Claudii patricii eiusdem hominis hereditatem, gente ad se rediisse dicerent; nonne in ea causa fuit oratoribus de toto stirpis ac
177 gentilitatis iure dicendum? Quid? quod item in centumvirali iudicio certatum esse accepimus, qui Romam in exsilium venisset, cui Romae exsulare ius esset, si se ad aliquem quasi patronum applicuisset, intestatoque esset mortuus: nonne in ea causa ius applicationis, obscurum sane et ignotum, patefactum
178 in iudicio atque illustratum est a patrono? Quid? nuper, cum ego C. Sergii Oratae contra hunc nostrum Antonium iudicio privato causam defenderem; nonne omnis nostra in iure versata defensio est? Cum enim Marius Gratidianus aedes Oratae vendidisset, neque, servire quamdam earum aedium partem, in mancipii lege dixisset; defendebamus, quidquid fuisset incommodi in mancipio, id si venditor scisset, neque declarasset, praestare debere.

179 Quo quidem in genere familiaris noster M. Bucculeius, homo neque meo iudicio stultus, et suo valde sapiens, et a iuris studio non abhorrens, simili in re quodam modo nuper erravit. Nam cum aedes L. Fufio venderet, in mancipio lumina, uti tum essent, ita recepit. Fufius autem, simul atque aedificari coeptum est in quadam parte urbis quae modo ex illis aedibus conspici posset, egit statim cum Buc-

[a] For this point of law see Appendix p. 480.

[b] Some ambiguity in the conveyancing terms used by Bucculeius in reserving his 'ancient lights' enabled Fufius to interpret the reservation as a grant of an absolute right to light.

alleging that an inheritance had devolved on them from a freedman's son by lineal descent, while the patrician Claudians claimed it as theirs by reverter through clanship; did not both counsel in that case have to discuss the entire law of lineal descent and
177 of clanship? And what of that other contention which we have heard was raised in the Court of the Hundred Commissioners, where a foreigner had come into exile at Rome, having a legal right to dwell there, provided that he had attached himself to someone as a kind of protector, and such foreigner had died intestate: in that case was not the law of vassalage, a truly mysterious and unfamiliar thing,
178 revealed and elucidated by counsel in Court? Then too, when recently I appeared, in a civil action, on behalf of Gaius Sergius Orata, with our friend here Antonius on the other side, was not our defence concerned solely with matter of law? For Marius Gratidianus had sold a house to Orata, without stating in the conditions of sale that a certain part of the building was subject to an easement, and we were urging that the vendor must allow compensation for any defect in the property sold, if he had known of its existence and had not disclosed it.[a]

179 "In that kind of action too our friend Marcus Bucculeius, no fool in my opinion, and mightily wise in his own, and a man with no distaste for legal studies, somehow went wrong lately on a similar point. For, on the sale of a house to Lucius Fufius, he made a reservation in his conveyance of all rights to light 'as then enjoyed.'[b] Fufius however, the moment that any building began in some part of the city of which as much as a glimpse could be caught from that house of his, immediately launched an

culeio, quod, cuicumque particulae coeli officeretur, quamvis esset procul, mutari lumina putabat.

180 Quid vero? clarissima M'. Curii causa Marcique Coponii nuper apud centumviros, quo concursu hominum, qua exspectatione defensa est! cum Q. Scaevola, aequalis et collega meus, homo omnium et disciplina iuris civilis eruditissimus, et ingenio prudentiaque acutissimus, et oratione maxime limatus atque subtilis, atque, ut ego soleo dicere, iuris peritorum eloquentissimus, eloquentium iuris peritissimus, ex scripto testamentorum iura defenderet, negaretque, nisi postumus et natus, et, antequam in suam tutelam venisset, mortuus esset, heredem eum esse posse, qui esset secundum postumum, et natum, et mortuum, heres institutus: ego autem defenderem, hac eum tum mente fuisse, qui testamentum fecisset, ut, si filius non esset, qui in tutelam veniret, M'. Curius esset heres. Num destitit uterque nostrum in ea causa, in auctoritatibus, in exemplis, in testamentorum formulis, hoc est, in medio iure civili, versari?

181 XL. Omitto iam plura exempla causarum amplissimarum, quae sunt innumerabilia: capitis nostri saepe potest accidere ut causae versentur in iure. Etenim sic C. Mancinum, nobilissimum atque optimum virum, ac consularem, cum eum propter invidiam Numantini foederis pater patratus ex S. C.

[a] See Book II, §§ 140, 221.
[b] See Appendix p. 480.
[c] In 137 B.C.
[d] One of the twenty *fetiales* appointed (*patratus*) with *patria potestas* over citizens whom he was delegated to hand over to the enemy.

action against Bucculeius, because he conceived that his rights to light were affected, if any scrap of his view was blocked, however far away.

180 "Finally, remember the conduct of the famous case[a] of Manius Curius against Marcus Coponius, not long ago before the Hundred Commissioners—the crowd that collected, the anticipations aroused! There was Quintus Scaevola, my contemporary and colleague, of all men the most learned in the science of the common law, the most sagacious by talent and experience, the most highly polished and exquisite in diction, and indeed, as I always say, among lawyers the best orator, among orators the best lawyer: he was arguing the rights of the case on the literal terms of the will, and contending that the person who had been nominated heir in the second grade, as substitute for a posthumous son, who should be born and die, could never inherit, unless such posthumous son had in fact been born and died before becoming his own master[b]: on the other side I was affirming the true intention of the testator to have been that Manius Curius should be heir in the event of no son coming of age. In these proceedings were not both of us unceasingly occupied with decisions, with precedents, with forms of wills, with questions, in fact, of common law all around us?

181 XL. "I pass over yet further examples of most important cases, countless as they are: it may often happen that actions involving our civil rights turn upon points of law. For in truth such was the experience of Gaius Mancinus, a man of the highest rank and character and a past consul, who under a decree of the Senate had been delivered up[c] to the Numantines by the Priestly Envoy,[d] for con-

Cases involving citizenship.

Numantinis dedidisset, eumque illi non recepissent, posteaque Mancinus domum revenisset, neque in senatum introire dubitasset; P. Rutilius, M. filius, tribunus plebis, de senatu iussit educi, quod eum civem negaret esse; quia memoria sic esset proditum, quem pater suus, aut populus vendidisset, aut pater patratus dedidisset, ei nullum esse postliminium.

182 Quam possumus reperire ex omnibus rebus civilibus causam contentionemque maiorem, quam de ordine, de civitate, de libertate, de capite hominis consularis; praesertim cum haec non in crimine aliquo, quod ille posset infitiari, sed in civili iure consisteret? Similique in genere, inferiore ordine, si quis apud nos servisset ex populo foederato, seseque liberasset, ac postea domum revenisset; quaesitum est apud maiores nostros, num is ad suos postliminio rediisset,

183 et amisisset hanc civitatem. Quid? de libertate, quo iudicium gravius esse nullum potest, nonne ex iure civili potest esse contentio, cum quaeritur, is, qui domini voluntate census sit, continuone, an ubi lustrum conditum, liber sit? Quid, quod usu, memoria patrum, venit, ut paterfamilias, qui ex Hispania Romam venisset, cum uxorem praegnantem in provincia reliquisset, Romaeque alteram duxisset, neque

[a] 'Return behind one's threshold,' return home and resumption of former status and privileges.

[b] The *lustrum* was the sacrifice of purification, which con-

cluding an unpopular treaty with their nation, and whose surrender they had refused to accept, whereupon he returned home and unhesitatingly came into the Senate-house: Publius Rutilius, son of Marcus and tribune of the commons, ordered him to be removed, affirming that he was no citizen, in view of the traditional rule that a man sold by his father or by the people, or delivered up by the Priestly Envoy, had no right of restoration.[a]

"What judicial controversy can we discover, with-

182 in the whole range of public life, more important than one touching the rank, state-membership, freedom and entire civil rights of a past consul, especially as this issue did not depend upon some accusation of fact, which the defendant might be able to disprove, but upon a point of common law? And in a similar case, affecting humbler folk, if a member of an allied people, after being a slave in Rome, had acquired his freedom and subsequently returned home; it was a moot point with our forefathers whether by process of restoration he had not reverted to his former nationality and lost his Roman citizenship.

183 Then as to freedom, the most serious issue there can be, may not controversy arise out of the common law, on the question whether a slave, enrolled with his master's consent on the censor's list, is to date his enfranchisement from that moment, or from completion of the lustrum?[b] And what of a case that really happened, within our fathers' recollection, of the head of a family coming from Spain to Rome, and leaving in the province his wife with child: at Rome he married another wife,

cluded the proceedings of the *census* and brought the new register of citizens into operation for the ensuing five years.

nuntium priori remisisset, mortuusque esset intestato, et ex utraque filius natus esset; mediocrisne res in controversiam adducta est, cum quaereretur de duobus civium capitibus, et de puero, qui ex posteriore natus erat, et de eius matre? Quae, si iudicaretur, certis quibusdam verbis, non novis nuptiis, fieri cum superiore divortium, in concubinae locum duceretur.

184 Haec igitur, et horum similia iura suae civitatis ignorantem, erectum et celsum, alacri et prompto ore ac vultu, huc atque illuc intuentem, vagari magna cum caterva toto foro, praesidium clientibus, atque opem amicis, et prope cunctis civibus lucem ingenii et consilii sui porrigentem atque tendentem, nonne in primis flagitiosum putandum est?

185 XLI. Et quoniam de impudentia dixi, castigemus etiam segnitiem hominum atque inertiam. Nam si esset ista cognitio iuris magna ac difficilis, tamen utilitatis magnitudo deberet homines ad suscipiendum discendi laborem impellere. Sed, o dii immortales! non dicerem hoc, audiente Scaevola, nisi ipse dicere soleret, nullius artis faciliorem sibi cognitionem videri.

186 Quod quidem certis de causis a plerisque aliter existimatur: primum, quia veteres illi, qui huic scientiae praefuerunt, obtinendae atque augendae potentiae suae causa, pervulgari artem suam noluerunt, deinde, posteaquam est editum, expositis a Cn. Flavio primum actionibus, nulli fuerunt, qui illa artificiose

without having sent notice of divorce to the first, and afterwards died intestate, when each woman had borne a son; was it but an ordinary dispute that thereupon arose, involving as it did the civil rights of two citizens, the boy born of the second consort, and his mother? She, if it were held that the first wife could be divorced only by using some specific formula, and not by marrying again, would be regarded as being in the position of a concubine.

184 "Accordingly, that a man, ignorant of these and similar laws of his own community, should roam with a large following from court to court, haughtily and with head upraised, eager and assured in mien and countenance, directing his gaze hither and thither, and holding out and tendering protection to clients, aid to friends, and the illumination of his talent and advice to wellnigh every citizen, is not all this to be considered something supremely scandalous?

Law not a specially difficult study.

185 XLI. "And since I have spoken of the effrontery of men, let us go on to chastise their slackness and laziness. For even if this legal study were a matter of great difficulty, yet its great utility should urge men to undergo the toil of learning. But, by Heaven, I should not say this with Scaevola listening, were he not himself in the habit of affirming that he thinks

186 no art easier of attainment. As to this indeed most people, for definite reasons, think otherwise: first because those men of old time who presided over this study, in their anxiety to maintain and increase their own authority, would not have their art made common property, and secondly, after the law had been published, and the forms of pleading first set forth by Gnaeus Flavius, there were none able to distribute these matters into their kinds and arrange them

digesta generatim componerent. Nihil est enim, quod ad artem redigi possit, nisi ille prius, qui illa tenet, quorum artem instituere vult, habeat illam scientiam, ut ex eis rebus, quarum ars nondum sit,
187 artem efficere possit. Hoc video, dum breviter voluerim dicere, dictum a me esse paulo obscurius; sed experiar, et dicam, si potero, planius.

XLII. Omnia fere, quae sunt conclusa nunc artibus, dispersa et dissipata quondam fuerunt: ut in musicis, numeri, et voces, et modi; in geometria, lineamenta, formae, intervalla, magnitudines; in astrologia, caeli conversio, ortus, obitus motusque siderum; in grammaticis, poetarum pertractatio, historiarum cognitio, verborum interpretatio, pronuntiandi quidam sonus; in hac denique ipsa ratione dicendi, excogitare, ornare, disponere, meminisse, agere; ignota quondam
188 omnibus, et diffusa late videbantur. Adhibita est igitur ars quaedam extrinsecus ex alio genere quodam, quod sibi totum philosophi assumunt, quae rem dissolutam divulsamque conglutinaret, et ratione quadam constringeret. Sit ergo in iure civili finis hic, legitimae atque usitatae in rebus causisque ci-
189 vium aequabilitatis conservatio. Tum sunt notanda genera, et ad certum numerum paucitatemque revocanda. Genus autem est id, quod sui similes communione quadam, specie autem differentes, duas aut plures complectitur partes. Partes autem sunt,

artistically. For nothing can be reduced to an art unless the man who has mastered the subject, of which he would organize an art, already possesses the special knowledge requisite to enable him, out of particulars not yet embodied in an art, to con-
187 struct one. I see that, in my desire to be brief, I have spoken a little obscurely, but I will try to express myself, if I can, in clearer terms.

The nature of legal science.

XLII. "Nearly all elements, now forming the content of arts, were once without order or correlation: in music, for example, rhythms, sounds and measures; in geometry, lines, figures, dimensions and magnitudes; in astronomy, the revolution of the sky, the rising, setting and movement of heavenly bodies; in literature, the study of poets, the learning of histories, the explanation of words and proper intonation in speaking them; and lastly in this very theory of oratory, invention, style, arrangement, memory and delivery, once seemed to all men things unknown and widely separate one from another.
188 And so a certain art was called in from outside, derived from another definite sphere, which philosophers arrogate wholly to themselves, in order that it might give coherence to things so far disconnected and sundered, and bind them in some sort of scheme. Let the goal then of the common law be defined as the preservation, in the concerns and disputes of citizens, of an impartiality founded on statute and
189 custom. We must next designate the general classes of cases, restricting these to a small fixed number. Now a general class is that which embraces two or more species, resembling one another in some common property while differing in some peculiarity. And species are subdivisions, ranged

quae generibus eis, ex quibus emanant, subiciuntur; omniaque, quae sunt vel generum vel partium nomina, definitionibus, quam vim habeant, est exprimendum. Est enim definitio, earum rerum, quae sunt eius rei propriae, quam definire volumus, brevis et circumscripta quaedam explicatio.

190 Hisce ergo rebus exempla adiungerem, nisi, apud quos haec habetur oratio, cernerem: nunc complectar quod proposui, brevi. Si enim aut mihi facere licuerit, quod iamdiu cogito, aut alius quispiam, aut, me impedito, occuparit, aut mortuo effecerit, ut primum omne ius civile in genera digerat, quae perpauca sunt; deinde eorum generum quasi quaedam membra dispertiat; tum propriam cuiusque vim definitione declaret; perfectam artem iuris civilis habebitis, magis magnam atque uberem, quam dif-
191 ficilem atque obscuram. Atque interea tamen, dum haec, quae dispersa sunt, coguntur, vel passim licet carpentem, et colligentem undique, repleri iusta iuris civilis scientia.

XLIII. Nonne videtis, equitem Romanum, hominem acutissimo omnium ingenio, sed minime ceteris artibus eruditum, C. Aculeonem, qui mecum vivit, semperque vixit, ita tenere ius civile, ut ei, cum ab hoc discesseritis, nemo de eis, qui peritissimi
192 sunt, anteponatur? Omnia enim sunt posita ante oculos, collocata in usu quotidiano, in congressione hominum atque in foro; neque ita multis litteris aut

under those general classes from which they spring; while all names, whether of general classes or species,
190 must be so defined as to show the significance of each. A definition of course I may describe as a concise and accurate statement of the attributes belonging to the thing we would define.

"I would therefore append illustrations to what I have said, were I not mindful of the quality of the hearers of this discourse: as it is, I will briefly summarize my plan. For if I am permitted to do what I have long been projecting, or if someone else anticipates me, preoccupied as I am, or does the work when I am dead, first dividing the entire common law into its general classes, which are very few, and next distributing what I may call the subdivisions of those classes, and after that making plain by definition the proper significance of each, then you will have a complete art of the common law, magnificent and copious but neither inaccessible nor
191 mysterious. And yet in the meantime, while these disconnected materials are being assembled, a man may, by culling even at random and gathering from every quarter, become filled with a tolerable knowledge of the common law.

Project for a treatise.

XLIII. "Do you not notice that Gaius Aculeo, a Roman knight, a man of the keenest intelligence, but of slender accomplishment in any other art, who dwells and has always dwelt with me, is so complete a master of the common law, that if you except our friend here, not one of the most learned
192 is to be placed before him? The reason is that all its materials lie open to view, having their setting in everyday custom, in the intercourse of men, and in public scenes: and they are not enclosed in so

Sources available.

voluminibus magnis continentur: eadem enim sunt elata primum a pluribus; deinde, paucis verbis commutatis, etiam ab eisdem scriptoribus, scripta sunt
193 saepius. Accedit vero, quo facilius percipi cognoscique ius civile possit (quod minime plerique arbitrantur), mira quaedam in cognoscendo suavitas et delectatio. Nam, sive quem haec Aeliana studia delectant; plurima est, et in omni iure civili, et in pontificum libris, et in Duodecim Tabulis, antiquitatis effigies, quod et verborum prisca vetustas cognoscitur, et actionum genera quaedam maiorum consuetudinem vitamque declarant: sive quis civilem scientiam contempletur, quam Scaevola non putat oratoris esse propriam, sed cuiusdam ex alio genere prudentiae; totam hanc, descriptis omnibus civitatis utilitatibus ac partibus, Duodecim Tabulis contineri videbit; sive quem ista praepotens et gloriosa philosophia delectat, dicam audacius, hosce habebit fontes omnium disputationum suarum, qui iure civili et legi-
194 bus continentur. Ex his enim et dignitatem maxime expetendam videmus, cum verus, iustus, atque honestus labor honoribus, praemiis, splendore decoratur; vitia autem hominum, atque fraudes, damnis, ignominiis, vinculis, verberibus, exsiliis, morte multantur; et docemur non infinitis, concertationumque plenis disputationibus, sed auctoritate, nutuque legum, domitas habere libidines, coercere omnes

[a] *Philosophia* means here moral philosophy or ethics.

very many records or in books so very big: for identical matters were originally published by numerous authors, and afterwards, with slight variations in terms, were set down time and again
193 even by the same writers. Another help in facilitating the learning and understanding of the common law (though most people hardly credit this), is the peculiarly wonderful charm and delight of that study. For if these pursuits associated with Aelius attract a man, he has throughout the common law, and in the priestly books and the Twelve Tables, a complete picture of the olden time, since a primitive antiquity of language can be studied there, and certain forms of pleading reveal the manners and the way of life of our forerunners; if he is studying political science, which Scaevola does not regard as the business of an orator, but of someone belonging to a different department of learning, he will find the whole of this subject dependent upon the Twelve Tables, wherein are described all the interests and the entire organization of the State; if he is a lover of your most mighty and arrogant philosophy [a]—I shall speak rather boldly—, he will have here the sources of all his discussions, since these sources derive from
194 common law and statutes. For from these we both see that merit is above all else to be coveted, since true, fitting and reputable exertion wins the adornment of high office, rewards and honour, while the misdeeds and knaveries of mankind are visited with fines, degradation, chains, scourgings, banishment and death; and we learn too, not by debates without end and full of recriminations, but by the authoritative decision of the laws, to have our passions in subjection, bridle every lust, hold

cupiditates, nostra tueri, ab alienis mentes, oculos, manus abstinere.

195 XLIV. Fremant omnes licet; dicam quod sentio: bibliothecas mehercule omnium philosophorum unus mihi videtur Duodecim Tabularum libellus, si quis legum fontes et capita viderit, et auctoritatis pondere,
196 et utilitatis ubertate superare. Ac, si nos, id quod maxime debet, nostra patria delectat; cuius rei tanta est vis, ac tanta natura, ut 'Ithacam illam in asperrimis saxulis, tanquam nidulum, affixam,' sapientissimus vir immortalitati anteponeret; quo amore tandem inflammati esse debemus in eiusmodi patriam, quae una in omnibus terris domus est virtutis, imperii, dignitatis! Cuius primum nobis mens, mos, disciplina, nota esse debet; vel quia est patria, parens omnium nostrum, vel quia tanta sapientia fuisse in iure constituendo putanda est, quanta fuit in his tantis opibus imperii comparandis.

197 Percipietis etiam illam ex cognitione iuris laetitiam et voluptatem, quod, quantum praestiterint nostri maiores prudentia ceteris gentibus, tum facillime intellegetis, si cum illorum Lycurgo, et Dracone, et Solone nostras leges conferre volueritis. Incredibile est enim, quam sit omne ius civile, praeter hoc nostrum, inconditum, ac paene ridiculum: de quo multa soleo in sermonibus quotidianis dicere, cum hominum nostrorum prudentiam ceteris hominibus, et maxime Graecis, antepono. His ego de causis dixeram, Scaevola, eis, qui perfecti oratores

[a] For Calypso's offer of immortality to Odysseus see *Od.* v. 135; for the hero's nostalgia, *Od.* i. 55-59, v. 151-158, and ix. 27-28.

what we have, and keep our thoughts, eyes and hands from what is our neighbour's.

195 XLIV. "Though the whole world grumble, I will speak my mind: it seems to me, I solemnly declare, that, if anyone looks to the origins and sources of the laws, the small manual of the Twelve Tables by itself surpasses the libraries of all the philosophers, in weight of authority and wealth of usefulness alike.
196 And if our own native land is our joy, as to the uttermost it ought to be,—a sentiment of such strength and quality that a hero of consummate prudence gave preference over immortality[a] to 'that Ithaca of his, lodged like a tiny nest upon the roughest of small crags,'—with love how ardent must we surely be fired for a country such as ours, standing alone among all lands as the home of excellence, imperial power and good report! It is her spirit, customs and constitution that we are bound first to learn, both because she is the motherland of all of us, and because we must needs hold that wisdom as perfect went to the establishment of her laws, as to the acquisition of the vast might of her empire.

197 "You will win from legal studies this further joy and delight, that you will most readily understand how far our ancestors surpassed in practical wisdom the men of other nations, if you will compare our own laws with those of Lycurgus, Draco and Solon, among the foreigners. For it is incredible how disordered, and wellnigh absurd, is all national law other than our own; on which subject it is my habit to say a great deal in everyday talk, when upholding the wisdom of our own folk against that of all others, the Greeks in particular. On these grounds, Scaevola, did I declare a knowledge of the common law

Interest and rewards of legal studies.

esse vellent, iuris civilis cognitionem esse necessariam.

198 XLV. Iam vero ipsa per sese quantum afferat eis, qui ei praesunt, honoris, gratiae, dignitatis, quis ignorat? Itaque, non, ut apud Graecos infimi homines, mercedula adducti, ministros se praebent in iudiciis oratoribus, ei, qui apud illos πραγματικοὶ vocantur, sic in nostra civitate; contra amplissimus quisque et clarissimus vir; ut ille, qui propter hanc iuris civilis scientiam sic appellatus a summo poeta est,

Egregie cordatus homo, catus Aeliu' Sextus,

multique praeterea, qui, cum ingenio sibi auctore dignitatem reperissent, perfecerunt, ut in respondendo iure, auctoritate plus etiam, quam ipso ingenio, valerent.

199 Senectuti vero celebrandae et ornandae quod honestius potest esse perfugium, quam iuris interpretatio? Equidem mihi hoc subsidium iam ab adolescentia comparavi, non solum ad causarum usum forensium, sed etiam ad decus atque ornamentum senectutis; ut, cum me vires (quod fere iam tempus adventat) deficere coepissent, ista ab solitudine domum meam vindicarem. Quid est enim praeclarius, quam honoribus et reipublicae muneribus perfunctum senem posse suo iure dicere idem, quod apud Ennium dicat ille Pythius Apollo, se esse eum,

[a] Similar practitioners appeared at Rome under the Empire, but in Cicero's time the great advocates got their law from the most eminent jurists.

[b] *i.e.* Ennius, *Ann.* x. 326, *Remains of Old Latin* (L.C.L.), i. 120, 121.

to be indispensable to such as sought to become complete orators.

198 XLV. "Who again does not know how much preferment, credit and authority this study of itself secures for its leaders? Thus, while among the Greeks the humblest persons, 'attorneys'[a] as they are called in that country, are induced for a mere pittance to proffer their assistance to advocates in Court, in our own community, on the contrary, all the most honourable and illustrious men have done this work, he for example who, for his knowledge of this common law, was described by the greatest of poets[b] as follows:

Notably wise and shrewd among men there was Aelius Sextus,

and many besides him who, after gaining eminence on the strength of their talent, brought it about that, in advising on law, their strength lay less even in their unaided talent than in their reputation.

199 "Then too, for giving to old age companionship and grace, what worthier resource can there be than the interpretation of law? For my part, even from earliest manhood, I laid up for myself this provision, not only with a view to my actual practice in the Courts, but also to be the glory and distinction of my age, to the end that, when my bodily powers should have begun to fail (a time already almost upon me), I might preserve my home from loneliness at the last. For what is there grander than for an old man, who has discharged the high offices and functions of the State, to be able to say as of right, with the great Pythian Apollo in Ennius,[c] that he is the one from

[c] In *Eumenides*, *ibid.* 270, 271.

unde sibi, si non 'populi et reges,' at omnes sui cives consilium expetant,

> Suarum rerum incerti; quos ego mea ope ex
> Incertis certos, compotesque consili
> Dimitto, ut ne res temere tractent turbidas.

200 Est enim sine dubio domus iurisconsulti totius oraculum civitatis. Testis est huiusce Q. Mucii ianua et vestibulum, quod in eius infirmissima valetudine, affectaque iam aetate, maxima quotidie frequentia civium, ac summorum hominum splendore celebratur.

201 XLVI. Iam vero illa non longam orationem desiderant, quam ob rem existimem publica quoque iura, quae sunt propria civitatis atque imperii, tum monumenta rerum gestarum, et vetustatis exempla, oratori nota esse debere. Nam ut in rerum privatarum causis atque iudiciis depromenda saepe oratio est ex iure civili, et idcirco, ut ante diximus, oratori iuris civilis scientia necessaria est: sic in causis publicis iudiciorum, concionum, Senatus, omnis haec et antiquitatis memoria, et publici iuris auctoritas, et regendae reipublicae ratio ac scientia, tanquam aliqua materies, eis oratoribus, qui versantur in republica, subiecta esse debent.

202 Non enim causidicum nescio quem, neque proclamatorem, aut rabulam, hoc sermone nostro conquirimus, sed eum virum, qui primum sit eius artis antistes, cuius cum ipsa natura magnam homini facultatem daret, tamen dedisse deus putabatur; ut et ipsum, quod erat hominis proprium, non partum

whom all his fellow-citizens at any rate, if not 'the peoples and the kings,' seek counsel for themselves,

> Men doubtful of their good, whom by my help,
> Their doubts dispelled, confirmed in their designs,
> I send away, no troubled track to thread.

200 For the house of a great lawyer is assuredly the oracular seat of the whole community. This is attested by the gateway and forecourt of our friend here, Quintus Mucius, thronged as they are daily, notwithstanding his very poor health and now advanced age, by a huge concourse of citizens, among whom are personages of the highest distinction.

The orator needs learning.

201 XLVI. "Moreover no long discussion is needed to explain why I think that the orator must also be acquainted with public law, which is exclusively concerned with the State and Empire, and also the records of past events and the precedents of antiquity. For as, in cases and proceedings relating to private interests, his language must often be borrowed from common law, so that, as we have said already, a knowledge of common law is indispensable to the orator; just so, in public causes, alike in the lawcourts, in popular assemblies and in the Senate, all this story of old times, the precedents of public law, and the method and science of State administration should be material, as it were, at the disposal of those orators who occupy themselves with politics.

202 "For in this talk of ours we are not seeking some pettifogger, declaimer or ranter, but that man who, to begin with, is high-priest of that art which, though unaided nature bestowed on mankind a great capacity for it, was yet deemed to have been the gift of a divinity, so that a property peculiar to humanity might seem no offspring of ourselves, but to be

per nos, sed divinitus ad nos delatum videretur; deinde, qui possit, non tam caduceo, quam nomine oratoris ornatus, incolumis, vel inter hostium tela, versari; tum, qui scelus fraudemque nocentis possit dicendo subicere odio civium, supplicioque constringere; idemque ingenii praesidio innocentiam iudiciorum poena liberare; idemque languentem labentemque populum aut ad decus excitare, aut ab errore deducere, aut inflammare in improbos, aut incitatum in bonos, mitigare; qui denique, quemcumque in animis hominum motum res et causa postulet, eum dicendo vel excitare possit, vel sedare.

203 Hanc vim si quis existimat, aut ab eis, qui de dicendi ratione scripserunt, expositam esse, aut a me posse exponi tam brevi, vehementer errat; neque solum inscientiam meam, sed ne rerum quidem magnitudinem perspicit. Equidem vobis, quoniam ita voluistis, fontes, unde hauriretis, atque itinera ipsa, ita putavi esse demonstranda, non ut ipse dux essem —quod et infinitum est, et non necessarium—sed ut commonstrarem tantum viam, et, ut fieri solet, digitum ad fontes intenderem.

204 XLVII. Mihi vero, inquit Mucius, satis superque abs te videtur istorum studiis, si modo sunt studiosi, esse factum. Nam, ut Socratem illum solitum aiunt dicere, perfectum sibi opus esse, si quis satis esset concitatus cohortatione sua ad studium cognoscendae

sent down upon us from heaven; who secondly can abide unharmed even on the field of battle, through the respect felt for his title of orator rather than any heraldic staff; who furthermore can by his eloquence expose to the indignation of fellow-citizens, and restrain by punishment, the crimes and iniquities of the guilty; who also, by the shield of his talent, can deliver innocence from legal penalties; who again can either inspire a lukewarm and erring nation to a sense of the fitting, or lead them away from their blundering, or kindle their wrath against the wicked, or soothe them when they are excited against good men; who lastly can by his eloquence either arouse or calm, within the souls of men, whatever passion the circumstances and occasion may demand.

203 "If any man imagines that this power has been explained by the writers on the theory of speaking, or that I can explain it in so short a span, he is very greatly mistaken, not even perceiving the vastness of the subject, much less my own ignorance. For myself indeed, as such was your wish, I have thought fit to reveal to you the springs from which to drink, and the approaches to them, not as one seeking to be myself your guide (an endless and superfluous task), but just indicating the road, and, in the usual way, pointing with my finger to the fountains."

204 XLVII. "To me indeed," observed Mucius, "you seem to have done enough and to spare for the enthusiasms of your friends, if only they are real enthusiasts. For, just as great Socrates is said to have been fond of describing his work as accomplished, once some man had been so far stimulated by his encouragement as to pursue the knowledge and

Acknowledgements; request for further advice.

percipiendaeque virtutis—quibus enim id persuasum esset, ut nihil mallent se esse, quam bonos viros, eis reliquam facilem esse doctrinam—: sic ego intellego, si in haec, quae patefecit oratione sua Crassus, intrare volueritis; facillime vos ad ea, quae cupitis, perventuros ab hoc aditu, ianuaque patefacta.

205 Nobis vero, inquit Sulpicius, ista sunt pergrata perque iucunda: sed pauca etiam requirimus, inprimisque ea, quae valde breviter a te, Crasse, de ipsa arte percursa sunt, cum illa te et non contemnere, et didicisse confiterere. Ea si paulo latius dixeris, expleris omnem exspectationem diuturni desiderii nostri. Nam nunc, quibus studendum rebus esset, accepimus, quod ipsum est tamen magnum; sed vias earum rerum rationemque cupimus cognoscere.

206 Quid si, inquit Crassus, quoniam ego, quo facilius vos apud me tenerem, vestrae potius obsecutus sum voluntati, quam aut consuetudini, aut naturae meae, petimus ab Antonio, ut ea, quae continet, neque adhuc protulit, ex quibus unum libellum sibi excidisse iamdudum questus est, explicet nobis, et illa dicendi mysteria enuntiet? Ut videtur, inquit Sulpicius. Nam Antonio dicente, etiam quid tu intellegas, sen-

207 tiemus. Peto igitur, inquit Crassus, a te, quoniam id nobis, Antoni, hominibus id aetatis, oneris ab horum adolescentium studiis imponitur, ut exponas, quid eis de rebus, quas a te quaeri vides, sentias.

apprehension of excellence (since further instruction came easily to such as had been persuaded to set the attainment of virtue above all else), so I see that, if you two will consent to enter upon these courses revealed by Crassus in what he says, you will most readily reach the end of your desires by this Way and through this Door which he has opened."

205 "We," added Sulpicius, "are indeed most grateful for your statement and highly delighted with it, but we ask for a little more, and especially for those particulars concerning the art itself, which you, Crassus, ran over very briefly, though owning that, so far from despising, you had even learned them. If you will state these rather more at large, you will satisfy every hope of our continual longing. For so far we have heard what objects we must pursue, which anyhow is a great thing in itself; but we are yearning to know the methods and the theory of these studies."

206 "Well," said Crassus, "since, to keep you with me more easily, I have followed your wishes rather than my own practice or natural bent, what if we ask Antonius to unfold to us all that he is keeping to himself and has not yet published abroad, of which he complained just now that a single little book had already slipped out of his hands, and to disclose those secrets of oratory?" "As you please," replied Sulpicius. "For from the lips of Antonius we shall be learning your own views also."

207 "I ask you then, Antonius," went on Crassus, "as this burden is laid upon people of our years by the eagerness of these young men, to express your sentiments upon these matters which you see are required of you."

XLVIII. Deprehensum equidem me, inquit Antonius, plane video atque sentio, non solum quod ea requiruntur a me, quorum sum ignarus atque insolens, sed quia, quod in causis valde fugere soleo, ne tibi, Crasse, succedam, id me nunc isti vitare non
208 sinunt. Verum hoc ingrediar ad ea, quae vultis, audacius, quod idem mihi spero usu esse venturum in hac disputatione, quod in dicendo solet, ut nulla exspectetur ornata oratio. Neque enim sum de arte dicturus, quam nunquam didici, sed de mea consuetudine; ipsaque illa, quae in commentarium meum rettuli, sunt eiusmodi, non aliqua mihi doctrina tradita, sed in rerum usu causisque tractata: quae si vobis, hominibus eruditissimis, non probabuntur, vestram iniquitatem accusatote, qui ex me ea quaesieritis, quae ego nescirem; meam facilitatem laudatote, cum vobis, non meo iudicio, sed vestro studio inductus, non gravate respondero.

209 Tum Crassus: Perge modo, inquit, Antoni. Nullum est enim periculum, ne quid tu eloquare, nisi ita prudenter, ut neminem nostrum poeniteat ad hunc te sermonem impulisse.

Ego vero, inquit, pergam: et id faciam, quod in principio fieri in omnibus disputationibus oportere censeo: ut, quid illud sit, de quo disputetur, explanetur, ne vagari et errare cogatur oratio, si ei, qui inter se dissenserint, non idem esse illud, quo de agitur, intellegant.

XLVIII. "For my part," answered Antonius, "I see and feel myself in evident straits, not only in being questioned as to things beyond my knowledge and experience, but also because this time your friends do not let me shirk a situation from which in Court I always do my best to run away, I mean
208 that of speaking next after yourself, Crassus. But I shall the more courageously approach this undertaking of your choice, in that I hope for the same fortune in this discussion which generally befalls my speeches, namely, that no elegance of diction will be expected of me. For I am not going to speak of an art which I never learned, but of my own practice; and those very commonplaces, which I have set down in my note-book, are no traditions taught to me by some one or other, but such as have been used in actual affairs and at the Bar: and if they do not commend themselves to men of your consummate accomplishment, pray blame your own unfairness in seeking to learn of me things I did not know; and extol my good nature in answering you with a good grace, won over by your enthusiasm, not my own discretion."

Views of Antonius, gained from his experience.

209 "Just go on, Antonius," returned Crassus. "For there is no danger of your delivering yourself without such practical wisdom that not a man of us will repent of having urged you on to this discussion."

"Yes, I will go on," said the other: "and I will do what I think should be the first thing done in every debate, which is that the subject for discussion should be clearly ascertained, so that a discourse may not have to ramble and lose itself, if perhaps the disputants do not understand the issue in one and the same sense.

210 Nam, si forte quaereretur, quae esset ars imperatoris, constituendum putarem principio, quis esset imperator : qui cum esset constitutus administrator quidam belli gerendi, tum adiungeremus de exercitu, de castris, de agminibus, de signorum collationibus, de oppidorum oppugnationibus, de commeatu, de insidiis faciendis atque vitandis, de reliquis rebus, quae essent propriae belli administrandi ; quarum qui essent animo et scientia compotes, eos esse imperatores dicerem ; utererque exemplis Africanorum et Maximorum ; Epaminondam atque Hannibalem, atque eius generis homines nominarem.

211 Sin autem quaereremus quis esset is, qui ad rempublicam moderandam usum, et scientiam, et studium suum contulisset, definirem hoc modo : Qui, quibus rebus utilitas reipublicae pararetur augereturque, teneret, eisque uteretur ; hunc reipublicae rectorem, et consilii publici auctorem esse habendum ; praedicaremque P. Lentulum, principem illum, et Tib. Gracchum patrem, et Q. Metellum, et P. Africanum, et C. Laelium, et innumerabiles alios cum ex nostra

212 civitate, tum ex ceteris. Sin autem quaereretur, quisnam iurisconsultus vere nominaretur ; eum dicerem, qui legum, et consuetudinis eius, qua privati in civitate uterentur, et ad respondendum, et ad agendum, et ad cavendum, peritus esset ; et ex eo genere Sext. Aelium, M'. Manilium, P. Mucium nominarem.

XLIX. Atque, ut iam ad leviora artium studia

The orator, like the soldier, the statesman and the philosopher, is a specialist.

210 "For, if the question chanced to be as to the nature of the general's art, I should think it proper to settle at the outset, who is a general : and, having defined him as a man in charge of the conduct of war, we should then add some particulars of troops, encampment, marching formation, close fighting, investment of towns, food-supply, laying and avoidance of ambuscades, and all else pertaining to the management of warfare ; and those men who are intellectually and theoretically masters of these subjects I should call generals, citing as examples men like Scipio and Fabius Maximus, and making mention of Epaminondas and Hannibal and persons of that type.

211 "But if we were inquiring who is he that has devoted his experience, knowledge and enthusiasm to the guidance of the State, I should define him thus : 'Whoever knows and uses everything by which the advantage of a State is secured and developed, is the man to be deemed the helmsman of the State, and the originator of national policy,' and I should tell of Publius Lentulus that illustrious leader, of Tiberius Gracchus the elder, Quintus Metellus, Publius Africanus, Gaius Laelius, and countless others, some from our own community

212 and some from abroad. If again the question were, who is rightly described as learned in the law, I should say it is the man who is an expert in the statutes, and in the customary law observed by individuals as members of the community, and who is qualified to advise, direct the course of a lawsuit, and safeguard a client, and in this class I should refer to Sextus Aelius, Manius Manilius and Publius Mucius.

XLIX. "And, to come now to the pursuits of the more trivial arts, if the devotee of music, the

veniam, si musicus, si grammaticus, si poeta quaeratur, possim similiter explicare, quid eorum quisque profiteatur, et quo non amplius ab quoque sit postulandum. Philosophi denique ipsius, qui de sua vi ac sapientia unus omnia paene profitetur, est tamen quaedam descriptio, ut is, qui studeat omnium rerum divinarum atque humanarum vim, naturam causasque nosse, et omnem bene vivendi rationem tenere et
213 persequi, nomine hoc appelletur. Oratorem autem, quoniam de eo quaerimus, equidem non facio eumdem, quem Crassus; qui mihi visus est omnem omnium rerum atque artium scientiam comprehendere uno oratoris officio ac nomine: atque eum puto esse, qui verbis ad audiendum iucundis, et sententiis ad probandum accommodatis uti possit in causis forensibus atque communibus. Hunc ego appello oratorem, eumque esse praeterea instructum voce, et actione, et lepore quodam volo.

214 Crassus vero mihi noster visus est oratoris facultatem non illius artis terminis, sed ingenii sui finibus, immensis paene, describere. Nam et civitatum regendarum oratori gubernacula sententia sua tradidit: in quo per mihi mirum visum est, Scaevola, te hoc illi concedere; cum saepissime tibi Senatus, breviter impoliteque dicenti, maximis sit de rebus assensus. M. vero Scaurus, quem non longe, ruri, apud se esse audio, vir regendae reipublicae scientissimus, si

philologist, or the poet should be under examination, I could explain in like fashion their several claims, and the most that ought to be required of each. Lastly, of the philosopher himself, who by virtue of his special faculty and wisdom stands alone in claiming something like omniscience, there is after all a kind of definition, to the effect that he who strives to know the significance, nature and causes of everything divine or human, and to master and follow out as a whole the theory of right living,
213 is to be thus denominated. But the orator, since it is he whom we are studying, I myself do not picture as Crassus did, who I thought included, under the single vocation and title of orator, omniscience in every topic and every art: in fact I take him to be a man who can use language agreeable to the ear, and arguments suited to convince, in law-court disputes and in debates of public business. Such a man I call an orator, and would have him endowed besides with intonation, delivery and a certain charm.

Crassus's definition far too wide.

214 "Now our friend Crassus seemed to me to delimit the range of the orator, not by the bounds of the art concerned, but by the wellnigh infinite extent of his own talent. For by his verdict he even handed over to the orator the helm of statesmanship; and I thought it passing strange, Scaevola, that you should grant him this point, when times without number the Senate has agreed with you on matters of extreme gravity, though your speech has been short and without ornament. Indeed if Marcus Scaurus, who I am told is at his country-house not far away, one of the highest authorities on statesmanship, had happened to hear that the influence

audierit, hanc auctoritatem gravitatis et consilii sui vindicari a te, Crasse, quod eam oratoris propriam esse dicas: iam, credo, huc veniat, et hanc loquacitatem nostram vultu ipso aspectuque conterreat: qui, quanquam est in dicendo minime contemnendus, prudentia tamen rerum magnarum magis, quam
215 dicendi arte, nititur. Neque vero, si quis utrumque potest, aut ille consilii publici auctor, ac senator bonus, ob eam ipsam causam orator est; aut hic disertus atque eloquens, si est idem in procuratione civitatis egregius, illam scientiam dicendi copia est consecutus. Multum inter se distant istae facultates, longeque sunt diversae atque seiunctae; neque eadem ratione ac via M. Cato, P. Africanus, Q. Metellus, C. Laelius, qui omnes eloquentes fuerunt, orationem suam et reipublicae dignitatem exornabant.

216 L. Neque enim est interdictum aut a rerum natura, aut a lege aliqua atque more, ut singulis hominibus ne amplius, quam singulas artes, nosse liceat. Quare non, etsi eloquentissimus Athenis Pericles, idemque in ea civitate plurimos annos princeps consilii publici fuit, idcirco eiusdem hominis atque artis utraque facultas existimanda est; nec, si P. Crassus idem fuit eloquens, et iuris peritus, ob eam causam inest in
217 facultate dicendi iuris civilis scientia. Nam si quisque, ut in aliqua arte et facultate excellens, aliam quoque artem sibi assumpserit, ita perficiet, ut, quod praeterea sciet, id eius, in quo excellet, pars quaedam

natural to his own worth and wisdom was being claimed by yourself, Crassus, as the right of an orator, he would, I do believe, instantly proceed hither and thoroughly frighten us chatterers by the mere look on his face: for, though no mean speaker, he yet relies rather on his knowledge of higher
215 politics than on the art of oratory. Then too, if a man is capable in both ways, such as the originator of national policy who is also a good senator, he is not just for that reason an orator; nor did the accomplished orator, who happens also to be outstanding in public administration, attain that special knowledge through his fluency in speaking. There is a vast difference between these gifts, and far apart are they sundered; nor was it by any uniform theory and method that Marcus Cato, Publius Africanus, Quintus Metellus and Gaius Laelius, orators all, gave brilliance to their own style and to the reputation of their community.

Wide culture not indispensable for the orator.

216 L. "For neither the nature of things, nor any statute or custom, requires any one man to refrain from learning more than one art. And so, although Pericles was the most eloquent man at Athens, and also for very many years the leader of national policy in that community, it is not therefore to be supposed that these two accomplishments pertain to one and the same man or art; nor, because Publius Crassus combined eloquence with legal learning, does it follow that knowledge of common
217 law is implied in oratorical ability. For if everyone who, while outstanding in some art and capacity, has embraced another art as well, is thereby to create the belief that such subsidiary knowledge is a specific part of that wherein he excels, we may

esse videatur: licet ista ratione dicamus, pila bene, et Duodecim Scriptis ludere, proprium esse iuris civilis, quoniam utrumque eorum P. Mucius optime fecerit; eademque ratione dicantur, et quos φυσικοὺς Graeci nominant, eidem poetae, quoniam Empedocles physicus egregium poema fecerit. At hoc ne philosophi quidem ipsi, qui omnia, sicut propria, sua esse, atque a se possideri volunt, dicere audent, geometriam, aut musicam, philosophi esse, quia Platonem omnes in illis artibus praestantissimum fuisse fateantur.

218 Ac, si iam placet omnes artes oratori subiungere, tolerabilius est, sic potius dicere, ut, quoniam dicendi facultas non debeat esse ieiuna atque nuda, sed aspersa atque distincta multarum rerum iucunda quadam varietate, sit boni oratoris multa auribus accepisse, multa vidisse, multa animo et cogitatione, multa etiam legendo percurrisse; neque ea, ut sua, possedisse; sed, ut aliena, libasse. Fateor enim, callidum quemdam hunc, et nulla in re tironem ac rudem, nec peregrinum atque hospitem in agendo esse debere.

219 LI. Neque vero istis tragoediis tuis, quibus uti philosophi maxime solent, Crasse, perturbor, quod ita dixisti, neminem posse eorum mentes, qui audirent, aut inflammare dicendo, aut inflammatas restinguere, cum eo maxime vis oratoris magnitudoque cernatur, nisi qui rerum omnium naturam, mores

[a] In Cicero's time, and much later, *pila* was no definite game, but a series of gymnastic exercises for the promotion of bodily suppleness and health.
Duodecim scripta involved dice-throwing, and the use of differently coloured counters on a special board, divided into spaces by 12 slanting lines.

on the same principle assert that to play well at ball or Twelve-Lines[a] is a peculiarity of common lawyers, since Publius Mucius did both things to perfection; and by the same line of argument those also whom the Greeks call 'natural philosophers' may be pronounced to be poets into the bargain, seeing that Empedocles, a natural philosopher, has composed a notable poem. But in reality even the moral philosophers themselves, who would have all things for their own, in right of dominion and in fact of possession as well, do not venture to claim that either geometry or the pursuit of music belongs to the moral philosopher, merely because Plato is admitted on all hands to have been pre-eminent in those arts.

218 "And, if for once we decide to place all the arts in subjection to the orator, our case may more acceptably be stated in this way, that, since ability to speak ought not to starve and go naked, but to be besprinkled and adorned with a kind of charming variety in many details, it is the part of a good orator to have heard and seen much, and to have run over much in thought and reflection, as well as in his reading, not acquiring all this as his own possession, but tasting what belongs to others. For I agree that he ought to be a shrewd sort of man, and nowhere an untrained recruit, and no stranger or sojourner in his sphere of action.

To influence his audience he needs knowledge of the world;

219 LI. "Nor again, Crassus, am I greatly troubled by those histrionics of yours, the favourite medium of philosophers, setting forth that by the spoken word no man can kindle the feelings of his hearers, or quench them when kindled (though it is in this that the orator's virtue and range are chiefly discerned), unless he has gazed into the depths of the nature of

hominum atque rationes penitus perspexerit : in quo philosophia sit oratori necessario percipienda ; quo in studio hominum quoque ingeniosissimorum otiosissimorumque totas aetates videmus esse contritas. Quorum ego copiam magnitudinemque cognitionis atque artis non modo non contemno, sed etiam vehementer admiror : nobis tamen, qui in hoc populo foroque versamur, satis est, ea de moribus hominum et scire, et dicere, quae non abhorrent ab hominum moribus.

220 Quis enim unquam orator magnus, et gravis, cum iratum adversario iudicem facere vellet, haesitavit ob eam causam, quod nesciret, quid esset iracundia, fervorne mentis, an cupiditas puniendi doloris ? Quis, cum ceteros animorum motus aut iudicibus, aut populo dicendo miscere atque agitare vellet, ea dixit, quae a philosophis dici solent ? Qui partim omnino motus negant in animis ullos esse debere, quique eos in iudicum mentibus concitent, scelus eos nefarium facere ; partim, qui tolerabiliores volunt esse, et ad veritatem vitae propius accedere, permediocres ac potius leves motus debere esse dicunt.

221 Orator autem omnia haec, quae putantur in communi vitae consuetudine, mala, ac molesta, et fugienda, multo maiora et acerbiora verbis facit ; itemque ea, quae vulgo expetenda atque optabilia videntur, dicendo amplificat atque ornat : neque vult ita sapiens inter stultos videri, uti, qui audiant, aut

[a] Wilkins's argument for reading *motibus animorum* for *moribus hominum* is unconvincing.

[b] *Cf.* Aristotle, *Rhet.* II. ii. 2 ; and Cicero, *Tusc. Disp.* iv. 9. 21 and 10. 24.

everything, including human characters and motives : in which connexion the orator must needs make philosophy his own ; and in this pursuit we see that whole lives of most talented and leisured persons have been consumed. The copiousness of their learning and the wide range of their art I am so far from despising that in fact I ardently admire these : yet for ourselves, busied in the public life of this community, it is enough to know and give expression to such things concerning human characters[a] as are not alien to human character.

220 " For what grand and impressive speaker, trying to make an arbitrator angry with his opponent, was ever at a loss merely through not knowing whether wrath is a vehement heat of the mind, or a strong desire to avenge pain ?[b] Who, in seeking by his word to confound and stir up the other feelings in the minds of a tribunal or popular assembly, has uttered the hackneyed sayings of the philosophers ? Of whom some deny to the feelings any rightful place at all within the mind, regarding it as an infamous crime to awaken such in the hearts of a tribunal, while others, pretending to some tolerance and a closer approach to the facts of life, assert that the feelings should be exceedingly temperate, or rather of only trivial force.

221 " The orator however by his words greatly magnifies and exaggerates the grievousness of such things as in everyday life are thought evils and troubles to be shunned, while he enlarges upon and beautifies by his eloquence whatever is commonly deemed delectable and worthy to be desired : and he does not wish to appear so completely a sage among fools, as to have his hearers either regarding him as a

illum ineptum et Graeculum putent ; aut, etiamsi
valde probent ingenium oratoris, sapientiam ad-
222 mirentur, se esse stultos moleste ferant : sed ita
peragrat per animos hominum, ita sensus mentesque
pertractat, ut non desideret philosophorum descrip-
tiones, neque exquirat oratione, summum illud
bonum in animone sit, an in corpore ; virtute an
voluptate definiatur ; an haec inter se iungi copulari-
que possint ; an vero, ut quibusdam visum, nihil
certum sciri, nihil plane cognosci et percipi possit.
Quarum rerum fateor magnam multiplicemque esse
disciplinam, et multas, copiosas variasque rationes ;
sed aliud quiddam, longe aliud, Crasse, quaerimus.
223 Acuto homine nobis opus est, et natura usuque
callido, qui sagaciter pervestiget, quid sui cives, eique
homines, quibus aliquid dicendo persuadere velit,
cogitent, sentiant, opinentur, exspectent.

LII. Teneat oportet venas cuiusque generis, aeta-
tis, ordinis, et eorum, apud quos aliquid aget, aut erit
224 acturus, mentes sensusque degustet ; philosophorum
autem libros reservet sibi ad huiuscemodi Tusculani
requiem atque otium, ne, si quando ei dicendum erit
de iustitia et fide, mutuetur a Platone ; qui, cum
haec exprimenda verbis arbitraretur, novam quam-
dam finxit in libris civitatem : usque eo illa, quae
dicenda de iustitia putabat, a vitae consuetudine et
225 a civitatum moribus abhorrebant. Quod si ea pro-

clumsy Greekling, or for all their approval of the
orator's talent and astonishment at his wisdom, yet
222 taking it ill that they themselves are foolish : but
in such way does he range over men's souls, and
explore their feelings and thoughts, that he needs
no philosophers' definitions, and does not inquire in
his discourse whether 'the supreme good' is sub-
jective or objective, whether it is to be defined as
virtue or pleasure, or whether these two can be
wedded together, or, to be sure, whether, as some
have thought, nothing can be known for certain,
nothing clearly understood and apprehended. On
these questions I admit that the teaching is abund-
ant and manifold, and the theories numerous, copious
and varied ; but we, Crassus, are looking for some-
223 thing different, and widely different. We require a
man of sharpness, ingenious by nature and experience
alike, who with keen scent will track down the
thoughts, feelings, beliefs and hopes of his fellow-
citizens and of any men whom on any issue he would
fain win over by his word.

He does not require philosophy.

LII. "He ought to feel the pulses of every class,
time of life, and degree, and to taste the thoughts
and feelings of those before whom he is pleading or
224 intending to plead any cause ; but his philosophical
books he should keep back for a restful holiday, such
as this one of ours at Tusculum, so as not to borrow
from Plato, if ever he has to speak of justice and
righteousness ; for Plato, when he thought fit to put
these things into writing, depicted in his pages an
unknown sort of republic, so completely in contrast
with everyday life and the customs of human com-
munities were his considered statements concerning
225 justice. But if his ideas were approved in real

barentur in populis atque in civitatibus, quis tibi, Crasse, concessisset, clarissimo viro, et amplissimo principi civitatis, ut illa diceres in maxima concione tuorum civium, quae dixisti? 'Eripite nos ex miseriis, eripite nos ex faucibus eorum, quorum crudelitas nostro sanguine non potest expleri; nolite sinere nos cuiquam servire, nisi vobis universis, quibus et possumus et debemus.' Omitto 'miserias,' in quibus, ut illi aiunt, vir fortis esse non potest; omitto 'fauces,' ex quibus te eripi vis, ne iudicio iniquo exsorbeatur sanguis tuus; quod sapienti negant accidere posse; 'servire' vero non modo te, sed universum Senatum, cuius tum causam agebas, ausus es dicere?

226 Potestne virtus, Crasse, servire, istis auctoribus, quorum tu praecepta oratoris facultate complecteris? Quae et semper, et sola libera est, quaeque, etiamsi corpora capta sint armis, aut constricta vinculis, tamen suum ius, atque omnium rerum impunitam libertatem tenere debeat. Quae vero addidisti, non modo Senatum servire 'posse' populo, sed etiam 'debere,' quis hoc philosophus tam mollis, tam languidus, tam enervatus, tam omnia ad voluptatem corporis doloremque referens, probare posset, Senatum servire populo, cui populus ipse moderandi et regendi sui potestatem, quasi quasdam habenas, tradidisset?

nations and States, who would have allowed you, Crassus, for all your high reputation, and all your splendour as a political leader, to express yourself as you did before a densely crowded assembly of your fellow-citizens? 'Deliver us out of our woes, deliver us out of the jaws of those whose ferocity cannot get its fill of our blood; suffer us not to be in bondage to any, save to yourselves as a nation, whose slaves we can and ought to be.' I pass over 'woes,' in which, according to the philosophers, the brave can never become involved; I pass over 'jaws,' out of which you desire to be delivered, for fear of your blood being sucked out of you by an unjust judgement, a thing which they say cannot befall the wise; but 'slavery,' did you dare to say that not yourself only, but the entire Senate, whose interests you were that day upholding, could be slaves?

226 "Can Virtue be a slave, Crassus, according to those authorities of yours, whose maxims you include within the range of the orator's knowledge? She who for ever and alone is free, and who, though the body be made prisoner of war or bound with chains, ought still to hold fast to her own rights and unrestricted freedom in all things! And as for your further pronouncement, that the Senate not only 'can' but actually 'ought to' be the slaves of the nation, could any philosopher be so unmanly, spiritless and weak, so resolved to make physical pleasure and pain the standard of everything, as to approve of this suggestion that the Senate is in bondage to the nation, when it is to the Senate that the nation itself has committed the power of controlling and guiding it, as some driver might hand over his reins?

227 LIII. Itaque haec cum a te divinitus ego dicta arbitrarer, P. Rutilius Rufus, homo doctus, et philosophiae deditus, non modo parum commode, sed etiam turpiter et flagitiose dicta esse dicebat. Idemque Servium Galbam, quem hominem probe commeminisse se aiebat, pergraviter reprehendere solebat, quod is, L. Scribonio quaestionem in eum ferente, populi misericordiam concitasset, cum M. Cato, Galbae gravis atque acer inimicus, aspere apud populum Romanum et vehementer esset locutus, quam orationem in Originibus suis exposuit ipse.

228 Reprehendebat igitur Galbam Rutilius, quod is C. Sulpicii Galli, propinqui sui, Quintum pupillum filium ipse paene in humeros suos extulisset, qui patris clarissimi recordatione et memoria fletum populo moveret, et duos filios suos parvos tutelae populi commendasset, ac se, tanquam in procinctu testamentum faceret, sine libra atque tabulis, populum Romanum tutorem instituere dixisset illorum orbitati. Itaque cum et invidia et odio populi tum Galba premeretur, his quoque eum tragoediis liberatum ferebat; quod item apud Catonem scriptum esse video, 'nisi pueris et lacrimis usus esset, poenas eum daturum fuisse.' Haec Rutilius valde vituperabat, et huic humilitati, dicebat vel exsilium fuisse,
229 vel mortem anteponendam. Neque vero hoc solum

Indeed philosophy might disapprove of some effective lines of pleading.

227 LIII. "And so, although I personally thought these words of yours inspired, Publius Rutilius Rufus, a man of learning and devoted to philosophy, used to say they were not only wanting in discretion, but positively unseemly and disgraceful. He it was who used also to censure very severely Servius Galba, whom he claimed to remember well, for having worked upon the compassion of the assembly, when Lucius Scribonius was moving for his prosecution, after Marcus Cato, a troublesome and bitter foe to Galba, had harangued the Roman people in a rough and violent strain: this speech Cato himself has recorded in his *Early History*.

228 "As I was saying, Rutilius used to find fault with Galba, for having almost hoisted on to his shoulders, with his own hands, his ward Quintus, the son of his near relative Gaius Sulpicius Gallus, so that his appearance might set the assembly a-weeping, by recalling the memory of his most illustrious father; and for having committed two small sons of his own to the guardianship of the nation; and for having proclaimed, like a soldier making his will under arms, without scales or tablets, that he appointed the Roman people to be their guardians in their fatherless plight. The result, according to Rutilius, was that Galba, though at that time weighed down by popular ill-will and hatred, actually secured an acquittal by means of these histrionics, and I also find the incident recorded in Cato's book, with the comment that 'but for his employment of boys and blubbering, the accused would have got his deserts.' These methods Rutilius used roundly to condemn, affirming that banishment or death itself was better
229 than such abjectness. Nor was this mere talk on

dixit, sed ipse et sensit, et fecit. Nam cum esset ille vir exemplum, ut scitis, innocentiae, cumque illo nemo neque integrior esset in civitate, neque sanctior, non modo supplex iudicibus esse noluit, sed ne ornatius quidem, aut liberius causam dici suam, quam simplex ratio veritatis ferebat. Paulum huic Cottae tribuit partium, disertissimo adolescenti, sororis suae filio. Dixit item causam illam quadam ex parte Q. Mucius, more suo, nullo apparatu, pure et dilucide.

230 Quod si tu tunc, Crasse, dixisses, qui subsidium oratori ex illis disputationibus quibus philosophi utuntur, ad dicendi copiam petendum esse paulo ante dicebas; et, si tibi pro P. Rutilio non philosophorum more, sed tuo licuisset dicere: quamvis scelerati illi fuissent, sicuti fuerunt, pestiferi cives, supplicioque digni; tamen omnem eorum importunitatem ex intimis mentibus evellisset vis orationis tuae. Nunc talis vir amissus est, dum causa ita dicitur, ut si in illa commentitia Platonis civitate res ageretur. Nemo ingemuit, nemo inclamavit patronorum, nihil cuiquam doluit, nemo est questus, nemo rempublicam imploravit, nemo supplicavit. Quid multa? pedem nemo in illo iudicio supplosit, credo, ne Stoicis renuntiaretur.

231 LIV. Imitatus est homo Romanus et consularis veterem illum Socratem, qui, cum omnium sapientissimus esset sanctissimeque vixisset, ita in iudicio

his part, but he meant what he said, and acted upon it himself. For though, as you know, that great man was a pattern of righteousness, and there was no more honourable and blameless individual in the community, he declined not only to crave mercy of his judges, but also to be defended more eloquently or elaborately than the plain truth of the matter permitted. To Cotta here, though a highly accomplished young man and his sister's son, he allotted but a fragment of his case. Quintus Mucius too argued a part of it in his own way, with no trappings, his diction simple and crystal-clear.

230 "But had you spoken that day, Crassus,—you who were saying just now that the orator must have recourse to the ordinary debates of the philosophers for the material of his speeches,—and had you been allowed to plead for Publius Rutilius, in no philosophic style but in your own, then, even though those judges had been,—as they were—, accursed and pernicious men deserving of death, the power of your eloquence would none the less have rent away all savagery from the bottom of their hearts. As matters stand, a man of such quality has been lost, through his case being conducted as if the trial had been taking place in that ideal republic of Plato. None of his counsel groaned or shrieked, none was pained at anything, or made any complaint, or invoked the State, or humbled himself. In a word, not one of them stamped a foot during those proceedings, for fear, no doubt, of being reported to the Stoics.

231 LIV. "Thus did a Roman of consular rank follow the example of great Socrates of old who, as he was the wisest of all men, and had lived the most The instance of Socrates.

capitis pro se ipse dixit, ut non supplex aut reus, sed magister, aut dominus videretur esse iudicum. Quin etiam, cum ei scriptam orationem disertissimus orator Lysias attulisset, quam, si ei videretur, edisceret, ut ea pro se in iudicio uteretur, non invitus legit, et commode scriptam esse dixit: 'Sed,' inquit, 'ut, si mihi calceos Sicyonios attulisses, non uterer, quamvis essent habiles et apti ad pedem, quia non essent viriles; sic illam orationem disertam sibi et oratoriam videri, fortem et virilem non videri.' Ergo ille quoque damnatus est; neque solum primis sententiis, quibus tantum statuebant iudices, damnarent, an absolverent, sed etiam illis, quas iterum legibus
232 ferre debebant. Erat enim Athenis, reo damnato, si fraus capitalis non esset, quasi poenae aestimatio; et sententia cum iudicibus daretur, interrogabatur reus, quam quasi aestimationem commeruisse se maxime confiteretur. Quod cum interrogatus Socrates esset, respondit, sese meruisse, ut amplissimis honoribus et praemiis decoraretur, et ei victus quotidianus in Prytaneo publice praeberetur; qui honos
233 apud Graecos maximus habetur. Cuius responso sic iudices exarserunt, ut capitis hominem innocentissimum condemnarent. Qui quidem si absolutus esset; quod mehercule, etiamsi nihil ad nos pertinet, tamen propter eius ingenii magnitudinem vellem: quonam modo istos philosophos ferre possemus, qui

blameless of lives, defended himself in person, when indicted on a capital charge, in such fashion as to seem no submissive prisoner, but the teacher or domestic superior of his judges. Indeed on Lysias, a most accomplished orator, bringing him a written speech, to be committed to memory, if he thought proper, for use in his defence at his trial, he read it not unwillingly, and said it was aptly phrased: 'But,' quoth he, 'just as, if you had brought me a pair of Sicyonian half-boots, were they never so easy and well-fitting, I should reject them as womanish, even so I think your speech is skilful oratory but not the utterance of a brave man.' And so he too was condemned, not only at the first count, when the tribunal merely determined the issue of conviction or acquittal, but also on the further vote which they
232 were bound by law to give. For at Athens, on a defendant being convicted of an offence carrying no fixed penalty, something like an appraisement of liability was made and, when the judges' vote was being taken, the accused was asked what was the highest assessment, as it were, that he owned to having thoroughly merited. When this question was put to Socrates he replied that he had earned the distinction of the most splendid preferments and rewards, with provision for him, at the public expense, of daily sustenance in the Hall of the Presidents, this being rated among the Greeks as the highest of
233 honours. His answer so incensed the tribunal that they condemned a perfectly blameless man to death. Had he indeed been acquitted, as I devoutly wish he had been,—not that it is any business of ours—but for the sake of his vast genius, how could we ever endure your philosophers, who even as it is, with

nunc, cum ille damnatus est, nullam aliam ob culpam, nisi propter dicendi inscientiam, tamen a se oportere dicunt peti praecepta dicendi? Quibuscum ego non pugno, utrum sit melius, aut verius: tantum dico, et aliud illud esse, atque hoc, et hoc sine illo summum esse posse.

234 LV. Nam quod ius civile, Crasse, tam vehementer amplexus es, video, quid egeris. Tum, cum dicebas, videbam. Primum Scaevolae te dedisti, quem omnes amare meritissimo pro eius eximia suavitate debemus: cuius artem cum indotatam esse et incomptam videres, verborum eam dote locupletasti et ornasti. Deinde quod in ea tu plus operae laborisque consumpseras, cum eius studii tibi et hortator et magister esset domi, veritus es, nisi istam artem oratione exaggerasses, ne operam perdidisses.

235 Sed ego ne cum ista quidem arte pugno. Sit sane tanta, quantam tu illam esse vis. Etenim sine controversia et magna est, et late patet, et ad multos pertinet, et summo in honore semper fuit, et clarissimi cives ei studio etiam hodie praesunt. Sed vide, Crasse, ne, dum novo et alieno ornatu velis ornare iuris civilis scientiam, suo quoque eam concesso et
236 tradito spolies atque denudes. Nam, si ita diceres, qui iurisconsultus esset, esse eum oratorem, itemque qui esset orator, iuris eumdem esse consultum: prae-

their Master condemned solely for the offence of inexperience in oratory, yet tell us that it is from themselves that the rules of eloquence ought to be sought? For my part I have no quarrel with them as to which of these faculties is the better or more real; I simply say that theirs and ours are two distinct things, and that consummate eloquence can exist quite apart from philosophy.

234 LV. "For I see now, Crassus, the purpose of your so ardent affection for the common law. Indeed I saw it as you were speaking. First you did service to Scaevola, whom we are all most justly bound to love for his exceeding great courtesy: seeing his Art to be portionless and unadorned, you have enriched and decorated her with the dower of diction. Secondly, having squandered upon her too much work and labour, since you had at home an encourager and instructor in that pursuit, you were afraid that, unless you glorified that Art of yours by eloquence, you would have lost your labour.

Nor does the orator need wide knowledge of law.

235 "But I myself have no quarrel with this art of yours either. By all means let it be of such consequence as you would have it be. For indisputably it is a noble art, extending far and wide and touching the concerns of many, while it has ever been held in the highest repute, and even now the most illustrious citizens are the leaders in that field. But see to it, Crassus, that, in your desire to deck out the science of common law in new-fangled and foreign apparel, you do not at the same time despoil and strip her of what has been confirmed to her and made her
236 own. For if you were to put it in this way, that the man learned in the law is an orator, and likewise the orator is one learned in the law, you would be setting

claras duas artes constitueres, atque inter se pares, et eiusdem socias dignitatis. Nunc vero, iurisconsultum sine hac eloquentia, de qua quaerimus, fateris esse posse, fuisseque plurimos; oratorem negas, nisi illam scientiam assumpserit, esse posse. Ita est tibi iurisconsultus ipse per se nihil, nisi leguleius quidam cautus et acutus, praeco actionum, cantor formularum, auceps syllabarum; sed quia saepe utitur orator subsidio iuris in causis, idcirco istam iuris scientiam eloquentiae, tanquam ancillulam pedisequamque, adiunxisti.

237 LVI. Quod vero impudentiam admiratus es eorum patronorum, qui aut, cum parva nescirent, magna profiterentur, aut ea, quae maxima essent in iure civili, tractare auderent in causis, cum ea nescirent, nunquamque didicissent; utriusque rei facilis est et prompta defensio. Nam neque illud est mirandum, qui, quibus verbis coemptio fiat, nesciat, eumdem eius mulieris, quae coemptionem fecerit, causam posse defendere; nec si parvi navigii et magni eadem est in gubernando scientia, idcirco qui, quibus verbis erctum cieri oporteat, nesciat, idem herciscundae familiae

238 causam agere non possit. Nam, quod maximas centumvirales causas in iure positas protulisti: quae tandem earum causa fuit, quae ab homine eloquenti, iuris imperito, non ornatissime potuerit dici? Quibus

up two glorious arts, on an equality with each other, and partners in one grandeur. But as it is you admit that a man may be learned in the law without possessing this eloquence which we are investigating, and that many such have appeared; while you deny the possibility of the existence of an orator who has not acquired that legal knowledge as well. So by your account the learned lawyer, in and by himself, is nothing but a circumspect and sharp kind of pettifogger, a crier of legal actions, a chanter of legal formulas, a trapper of syllables; but, because the orator in Court often employs the aid of the law, you have therefore associated your legal knowledge with Eloquence, as a little maid to follow at her heels.

237 LVI. "But as for your wondering at the shamelessness of those counsel who either made great professions, though ignorant of small details, or dared to handle in Court the highest topics of common law, though they knew nothing about them, and had never studied them, there is a simple and obvious excuse in each case. For there is nothing marvellous in a man, who is ignorant of the formalities of marriage by purchase, being none the less able to conduct the case of a woman married in that manner; nor, because the same kind of skill is exercised in steering a little craft as a large vessel, does it follow that he, who does not know the technical phrases required for the division of an inheritance, cannot conduct a suit for the partition of an estate.

Indeed often the law is uncertain,

238 Why! to take your own citations of most important proceedings before the Hundred Commissioners, which turned upon questions of law, which of those cases, pray, could not have been most handsomely argued by a man of eloquence unversed in law?

quidem in causis omnibus, sicut in ipsa M'. Curii, quae abs te nuper est dicta, et in C. Hostilii Mancini controversia, atque in eo puero, qui ex altera natus erat uxore, non remisso nuntio superiori, fuit inter peritis-
239 simos homines summa de iure dissensio. Quaero igitur, quid adiuverit oratorem in his causis iuris scientia, cum hic iurisconsultus superior fuerit discessurus, qui esset non suo artificio, sed alieno, hoc est, non iuris scientia, sed eloquentia, sustentatus.

Equidem hoc saepe audivi, cum aedilitatem P. Crassus peteret, eumque maior natu, etiam consularis, Ser. Galba assectaretur, quod Crassi filiam Gaio filio suo despondisset, accessisse ad Crassum consulendi causa quemdam rusticanum: qui cum Crassum seduxisset, atque ad eum rettulisset, responsumque ab eo verum magis, quam ad suam rem accommodatum abstulisset; ut eum tristem Galba vidit, nomine appellavit, quaesivitque, qua de re ad Crassum rettulisset.
240 Ex quo ut audivit, commotumque ut vidit hominem, 'Suspenso,' inquit, 'animo et occupato Crassum tibi respondisse video': deinde ipsum Crassum manu prehendit, et, 'Heus tu,' inquit, 'quid tibi in mentem venit ita respondere?' Tum ille fidenter, homo peritissimus, confirmare, ita se rem habere, ut respondisset; nec dubium esse posse. Galba autem alludens varie, et copiose, multas similitudines afferre, multaque pro

Indeed in all those suits, as in that very one of Manius Curius, recently conducted by yourself, and in the dispute over Gaius Hostilius Mancinus, and again in the matter of the boy born of the second wife, before her predecessor had received notice of divorce, dissent as to the law was complete in the
239 most learned circles. I ask then, of what service was legal knowledge to an advocate in those cases, when that learned lawyer was bound to come off victorious, who had been upheld, not by his own dexterity but by a stranger's, that is to say, not by legal knowledge but by eloquence?

and then it is eloquence that wins.

"Often too have I heard how, when Publius Crassus was a candidate for the aedileship, and Servius Galba, his senior and a past consul, was in attendance upon him, having arranged a marriage between his son Gaius and the daughter of Crassus, a certain countryman approached Crassus to obtain his opinion: he took Crassus apart and laid the facts before him, but brought away from him advice that was more correct than conformable to his interest; whereupon Galba, noting his chagrin, accosted him by name, inquiring what the question was on which he had consulted
240 Crassus. Having heard the client's tale and observing his agitation, 'I see,' said he, 'that Crassus was preoccupied and distracted when he advised you': he then seized Crassus himself by the hand and asked, 'How now, what ever entered your head to suggest such an opinion?' Upon this the other, with the assurance of profound knowledge, repeated that the position was as he had advised and the point unarguable. Galba however, sportively and with varied and manifold illustrations, brought forward a number of analogies, and urged many

aequitate contra ius dicere; atque illum, cum disserendo par esse non posset—quanquam fuit Crassus in numero disertorum, sed par Galbae nullo modo—, ad auctores confugisse, et id, quod ipse diceret, et in P. Mucii, fratris sui, libris, et in Sext. Aelii commentariis scriptum protulisse, ac tamen concessisse, Galbae disputationem sibi probabilem et prope veram videri.

241 LVII. Attamen, quae causae sunt eiusmodi, ut de earum iure dubium esse non possit, omnino in iudicium vocari non solent. Num quis eo testamento, quod paterfamilias ante fecit, quam ei filius natus esset, hereditatem petit? Nemo; quia constat, agnascendo rumpi testamentum. Ergo in hoc genere iuris iudicia nulla sunt. Licet igitur impune oratori omnem hanc partem iuris incontroversi ignorare,
242 quae pars sine dubio multo maxima est: in eo autem iure, quod ambigitur inter peritissimos, non est difficile oratori, eius partis, quamcumque defendat, auctorem aliquem invenire; a quo cum amentatas hastas acceperit, ipse eas oratoris lacertis viribusque torquebit. Nisi vero—bona venia huius optimi viri dixerim, Scaevolae—tu libellis aut praeceptis soceri tui, causam M'. Curii defendisti. Nonne arripuisti patrocinium aequitatis et defensionem testamentorum, ac voluntatis mortuorum?

243 Ac mea quidem sententia—frequens enim te audivi, atque adfui—multo maiorem partem sententiarum sale

[a] These were javelins with a slinging-strap to help the thrower.

considerations in favour of equity as against rigid law, and it is related that Crassus, being no match for him in discussion—though ranked among the accomplished, Crassus came nowhere near Galba—, took refuge in authorities, and pointed out his own statement both in the works of his brother Publius Mucius, and in the text-book of Sextus Aelius, yet after all admitted that Galba's argument seemed to him persuasive, and very near the truth.

241 LVII. "And yet those cases which are such that the law involved in them is beyond dispute, do not as a rule come to a hearing at all. Does anyone claim an inheritance under a will made by the head of a household before the birth of a son of his? No one; since it is settled law that the will is revoked by such subsequent birth. Thus there are no judicial decisions on this branch of the law. And so the orator may safely disregard all this region of unquestionable law, being as it certainly is by far the
242 larger portion of the science: while, as for the law which is unsettled in the most learned circles, it is easy enough for him to find some authority in favour of whichever side he is supporting, and, having obtained a supply of thonged shafts [a] from him, he himself will hurl these with all the might of an orator's arm. Unless indeed (let me say this by the kind indulgence of our excellent friend here Scaevola) it was by means of the works and maxims of your father-in-law that you argued the case for Manius Curius? Did you not rather snatch at the chance of protecting righteousness and upholding last wills and the intentions of dead men?

243 "And in my opinion, at any rate,—for I often heard you and was at your elbow—, it was by your wit and

tuo, et lepore, et politissimis facetiis pellexisti, cum et illud nimium acumen illuderes, et admirarere ingenium Scaevolae, qui excogitasset, nasci prius oportere, quam emori; cumque multa colligeres, et ex legibus et ex senatusconsultis, et ex vita ac sermone communi, non modo acute, sed etiam ridicule ac facete, ubi si verba, non rem sequeremur, confici nil posset. Itaque hilaritatis plenum iudicium ac laetitiae fuit: in quo quid tibi iuris civilis exercitatio profuerit, non intellego; dicendi vis egregia, summa festivitate et venustate coniuncta, profuit.

244 Ipse ille Mucius, paterni iuris defensor, et quasi patrimonii propugnator sui, quid in illa causa, cum contra te diceret, attulit, quod de iure civili depromptum videretur? quam legem recitavit? quid patefecit dicendo, quod fuisset imperitis occultius? Nempe eius omnis oratio versata est in eo, ut scriptum plurimum valere oportere defenderet. At in hoc genere pueri apud magistros exercentur omnes, cum in eiusmodi causis alias scriptum, alias aequitatem defendere docentur.

245 Et, credo, in illa militis causa, si tu aut heredem, aut militem defendisses, ad Hostilianas te actiones, non ad tuam vim et oratoriam facultatem contulisses!

[a] See § 175, *supra*.
[b] A work otherwise unknown.

charm and highly refined pleasantries that you won the vast majority of your verdicts, while you were mocking at that over-subtlety of Scaevola's, and marvelling at his cleverness in having thought out the proposition that a man must be born before he can die; and while, amusingly and with a sense of humour, as well as shrewdly, you were adducing numerous examples, gathered from statutes and senatorial ordinances, and also from everyday life and conversation, in which our pursuit of the letter instead of the spirit would lead to no result. And so the Court was filled with gaiety and delight: but of what avail your practice in the common law was to you in these proceedings I cannot see; it was your surpassing power of eloquence, in union with consummate cheerfulness and grace, that proved of service.

244 "That very Mucius, upholder of his ancestral science, and champion, as it were, of his hereditary rights,—what argument did he introduce in that case wherein he was opposed to you, which sounded like a borrowing from common law? What statute did he read over? What did he reveal in his speech that would have been too obscure for the uninitiated? Surely his entire address was concerned with the one contention that the written word ought to prevail to the uttermost. Yet it is in this kind of thing that all students are trained in the schools, when in mock trials of this kind they are taught to uphold in turn the written word and true equity.

245 "I presume too that, in *The Soldier's Case*,[a] if you had been counsel for the heir or for the soldier, you would have betaken yourself to *Precedents in Pleading*[b] by Hostilius, and not to the force of your own ability in oratory! On the contrary, if you

Tu vero, vel si testamentum defenderes, sic ageres, ut omne omnium testamentorum ius in eo iudicio positum videretur; vel si causam ageres militis, patrem eius, ut soles, dicendo a mortuis excitasses; statuisses ante oculos; complexus esset filium, flensque eum centumviris commendasset; lapides mehercule omnes flere ac lamentari coegisset: ut totum illud, UTI LINGUA NUNCUPASSIT, non in Duodecim Tabulis, quas tu omnibus bibliothecis anteponis, sed in magistri carmine scriptum videretur.

246 LVIII. Nam quod inertiam accusas adolescentium, qui istam artem, primum facillimam, non ediscant; quae quam sit facilis, illi viderint, qui eius artis arrogantia, quasi difficillima sit, ita subnixi ambulant, deinde etiam tu ipse videris, qui eam artem facilem esse dicis, quam concedis adhuc artem omnino non esse, sed aliquando, si quis aliam artem didicerit, ut hanc artem efficere possit, tum esse illam artem futuram: deinde, quod sit plena delectationis; in quo tibi remittunt omnes istam voluptatem, et ea se carere patiuntur; nec quisquam est eorum, qui, si iam sit ediscendum sibi aliquid, non Teucrum Pacuvii malit quam Manilianas venalium vendendorum leges

247 ediscere. Tum autem, quod amore patriae censes

[a] See *Remains of Old Latin* (L.C.L.), iii. pp. 456-457.
[b] *Ibid.* ii. pp. 286 303.

had been propounding the will, you would have so managed matters that the entire security of every will would have seemed to be staked on the issue of those proceedings; and, if you had been appearing for the soldier, you would by your eloquence, in your usual way, have called up his father from the shades; you would have set him in sight of all; he would have embraced his son and tearfully committed him to the care of the Hundred Commissioners; I pledge my word he would have made every stone weep and wail, with the result that the whole section beginning 'As the tongue hath proclaimed it' would have seemed no part of the Twelve Tables,[a] which you rate higher than all the libraries, but just a piece of moralizing doggerel by some professor.

246 LVIII. "For as to your indictment of the young for their laziness, in that they do not commit to memory that art of yours, its exceeding simplicity being your first point, I leave the question of its simplicity to those who parade about in the haughty assurance imparted by this art, just as though it were extremely difficult, and do you yourself see to this, who describe an art as simple which by your own admission is not yet an art at all, but some day, should somebody have learned another art, and so be able to make an art of this one, will then become an art: secondly you urge its copious delights, in which respect they all resign in your favour this pleasure of yours, and are content themselves to go without it, nor is there a man among them who, if ever he had to learn some work by heart, would not choose for that purpose the *Teucer*[b] of Pacuvius

Given a general knowledge of law, special points can be looked up.

247 rather than Manilius's *Conditions of Sale*. Taking next your opinion that love of country obliges us

nos nostrorum maiorum inventa nosse debere: non vides, veteres leges aut ipsa sua vetustate consenuisse, aut novis legibus esse sublatas? Quod vero viros bonos iure civili fieri putas, quia legibus et praemia proposita sint virtutibus, et supplicia vitiis: equidem putabam, virtutem hominibus—si modo tradi ratione possit—instituendo et persuadendo, non minis, et vi, ac metu tradi. Nam ipsum quidem illud, etiam sine cognitione iuris, quam sit bellum, cavere malum, scire possumus.

248 De me autem ipso, cui uni tu concedis, ut, sine ulla iuris scientia, tamen causis satisfacere possim, tibi hoc, Crasse, respondeo, neque me unquam ius civile didicisse, neque tamen in eis causis, quas in iure possem defendere, unquam istam scientiam desiderasse. Aliud est enim, esse artificem cuiusdam generis atque artis, aliud in communi vita et vulgari hominum con-
249 suetudine nec hebetem, nec rudem. Cui nostrum non licet fundos nostros obire, aut res rusticas, vel fructus causa, vel delectationis, invisere? Tamen nemo tam sine oculis, tam sine mente vivit, ut, quid sit sementis ac messis, quid arborum putatio ac vitium, quo tempore anni, aut quo modo ea fiant, omnino nesciat. Num igitur, si cui fundus inspiciendus, aut si mandandum aliquid procuratori de agricultura, aut imperandum villico sit, Magonis Carthaginiensis sunt libri perdiscendi? An hac communi intellegentia contenti esse possumus? Cur ergo

to get a knowledge of the devices of our ancestors, do you not observe that the ancient statutes have either sunk into the decrepitude of their old age, or been repealed by modern legislation? And as for your belief that men are made good by the common law, since by its rules prizes are offered to virtue and punishments appointed for vice, I certainly used to regard virtue as being taught to mankind (assuming it to be methodically teachable at all) by training and persuasion, not by threats, and force and even terror. For thus much, at any rate, we can learn even without legal study, namely, how lovely a thing it is to eschew evil.

248 "Now as to myself, to whom alone you allow the faculty of doing justice to my cases without any legal knowledge, I give you this answer, Crassus, that I never learned the common law, and yet never felt the want of that knowledge in the suits I was able to argue before the Praetor. For it is one thing to be a craftsman in a specific subject and art, and another to be no dullard or raw hand in social life
249 and the general practices of mankind. Which of us may not survey his estate or go to see his rural concerns, whether in quest of profit or of amusement? Yet no one passes his days so bereft of sight and sense as to be wholly ignorant of the nature of sowing and reaping, or of the lopping of trees and pruning of vines, or of the times of year for doing these things, or of how they are done. If then some one of us has occasion to look over his estate, or give some commission to his agent, or order to his bailiff, on details of husbandry, need he get by heart the volumes of Mago of Carthage? Or may we be satisfied with our own mother-wit? If so then, especially as we

non eidem in iure civili, praesertim cum in causis, et in negotiis, et in foro conteramur, satis instructi esse possumus ad hoc duntaxat, ne in nostra patria pere-
250 grini atque advenae esse videamur? Ac si iam sit causa aliqua ad nos delata obscurior, difficile, credo, sit cum hoc Scaevola communicare; quanquam ipsi omnia, quorum negotium est, consulta ad nos et exquisita deferunt. An vero si de re ipsa, si de finibus, cum in rem praesentem non venimus, si de tabulis, et perscriptionibus controversia est, contortas res et saepe difficiles necessario perdiscimus: si leges nobis, aut si hominum peritorum responsa cognoscenda sunt, veremur ne ea, si ab adolescentia iuri civili minus studuerimus, non queamus cognoscere?

LIX. Nihilne igitur prodest oratori iuris civilis scientia? Non possum negare prodesse ullam scientiam, ei praesertim, cuius eloquentia copia rerum debeat esse ornata; sed multa, et magna, et difficilia sunt ea, quae sunt oratori necessaria, ut eius industriam in plura studia distrahere nolim.

251 Quis neget, opus esse oratori, in hoc oratorio motu statuque, Roscii gestum et venustatem? Tamen nemo suaserit studiosis dicendi adolescentibus, in gestu discendo histrionum more elaborare. Quid est oratori tam necessarium, quam vox? Tamen, me auctore, nemo dicendi studiosus, Graecorum more tragoe-

are worn out with legal and other business and with public affairs, why may we not likewise be well enough equipped in common law, to the extent at any rate of not seeming to be sojourners and strangers
250 in our own country? And if some day an exceptionally doubtful case were submitted to us, it would be quite easy, I suppose, to take counsel with Scaevola here; although in fact the parties themselves, whose affair it is, furnish us with all the professional opinions and researches. If again the dispute relates to a question of fact, or to boundaries, without our having a view of the very spot, or to account-books and entries, we are obliged to get up complicated and often troublesome matters: if we have to master statutes, or the opinions of the learned in the law, are we afraid of not being able to do so, just because, from our youth upwards, our study of the common law has been inadequate?

LIX. "Is a knowledge of the common law, then, useless to an orator? I cannot assert that any knowledge is useless, least of all to one whose eloquence ought to be furnished with material in plenty; but the essential needs of an orator are many and weighty and hard to come by, so that I would not dissipate his energy over too wide a field of study.

Similarly delivery does not require special study.

251 "Who would deny that in his movements and carriage the orator must have the bearing and elegance of Roscius? Yet no one will urge young devotees of eloquence to toil like actors at the study of gesture. What is so essential to an orator as intonation? Yet no devotee of eloquence will become, by my advice, a slave to his voice, after the manner of the Greek tragedians, who both

dorum, voci serviet, qui et annos complures sedentes declamitant, et quotidie, antequam pronuntient, vocem cubantes sensim excitant, eamdemque, cum egerunt, sedentes ab acutissimo sono usque ad gravissimum sonum recipiunt, et quasi quodam modo colligunt. Hoc nos si facere velimus, ante condemnentur ei, quorum causas receperimus, quam, toties, quoties perscribitur, paeanem, aut nomionem[1] citarimus.

252 Quod si in gestu, qui multum oratorem adiuvat, et in voce, quae una maxime eloquentiam vel commendat, vel sustinet, elaborare nobis non licet; ac tantum in utroque assequi possumus, quantum in hac acie quotidiani muneris, spatii nobis datur: quanto minus est ad iuris civilis perdiscendi occupationem descendendum, quod et summatim percipi sine doctrina potest, et hanc habet ab illis rebus dissimilitudinem, quod vox et gestus subito sumi et aliunde arripi non potest; iuris utilitas ad quamque causam, quamvis repente, vel a peritis, vel de libris depromi potest!

253 Itaque illi disertissimi homines ministros habent in causis iuris peritos, cum ipsi sint peritissimi, et qui, ut abs te paulo ante dictum est, pragmatici vocantur. In quo nostri omnino melius multo, quod clarissimorum hominum auctoritate leges et iura tecta esse voluerunt. Sed tamen non fugisset hoc Graecos homines, si ita necesse esse arbitrati essent, oratorem

[1] nomionem (*an invocation of* 'Απόλλων Νόμιος) *is the conjectural emendation adopted by Kayser, Piderit, and others for the various corruptions of the* MSS.

---

[a] The most eloquent Greek orators.

for many a year practise declamation from their chairs, and every day, before their performance on the stage, lie down and gradually raise the voice, and later, after playing their parts, take their seats, and bring it back again from the highest treble to the lowest bass, and in a way regain control of it. If we had a fancy to do this, the parties whose cases we had undertaken would lose their cases, before we had recited our hymn or chant the regulation number of times.

252 "But if we are not to work hard either at gesture, a great help to an orator, or at intonation, that singular and unrivalled recommendation and prop of eloquence; and if in each of these matters we can attain only such proficiency as corresponds to the leisure allowed us amid this array of daily duties; how much the less must we sink into becoming engrossed with getting by heart the common law, of which a general knowledge may be gained even without instruction, and which bears this unlikeness to those other things, that intonation and gesture cannot be acquired all at once and caught up from external sources, while anything in the law that is of use for a particular case, may be fetched, as hurriedly as you please, from experts or text-books!

253 "This is why those most accomplished speakers,[a] for all their own profound skill, have with them in Court assistants learned in the law, and these, as you said a little while ago, are called attorneys. In this respect our own folk have done infinitely better, by requiring the statutes and rules of law to be safeguarded by the influence of most illustrious men. But after all, had they thought it necessary, this idea of training the orator himself in the common

ipsum erudire in iure civili, non ei pragmaticum adiutorem dare.

254 LX. Nam quod dicis senectutem a solitudine vindicari iuris civilis scientia: fortasse etiam pecuniae magnitudine. Sed nos, non quid nobis utile, verum quid oratori necessarium sit, quaerimus. Quanquam, quoniam multa ad oratoris similitudinem ab uno artifice sumimus, solet idem Roscius dicere, se, quo plus sibi aetatis accederet, eo tardiores tibicinis modos, et cantus remissiores esse facturum. Quod si ille, astrictus certa quadam numerorum moderatione et pedum, tamen aliquid ad requiem senectutis excogitat, quanto facilius nos non laxare modos, sed
255 totos mutare possumus! Neque enim hoc te, Crasse, fallit, quam multa sint, et quam varia genera dicendi, et quod haud sciam, an tu primus ostenderis, qui iamdiu multo dicis remissius et lenius, quam solebas; neque minus haec tamen tua gravissimi sermonis lenitas, quam illa summa vis et contentio probatur: multique oratores fuerunt, ut illum Scipionem audimus, et Laelium, qui omnia sermone conficerent paulo intentiore, nunquam, ut Ser. Galba, lateribus, aut clamore contenderent. Quod si iam hoc facere non poteris, aut noles: vereris, ne tua domus, talis et viri, et civis, si a litigiosis hominibus non colatur, a ceteris deseratur? Equidem tantum absum ab ista sen-

law, instead of giving him an attorney to help him, would not have failed to occur to the Greeks.

Old age does not require knowledge of the law to give it occupation.

254 LX. "As for your theory that old age is redeemed from loneliness by a knowledge of the common law, possibly a large fortune will do as much. However we are not investigating our own advantage, but the essential needs of the orator. And yet, as we are taking from a single artist a number of details for our likeness of an orator, that same Roscius is fond of saying, that, the older he grows, the slower he will make the flute-player's rhythms and the lighter the music. Now if he, fettered as he is by a definite system of measures and metres, is none the less thinking out some relief for his old age, how much more easily can we not merely slacken our methods,
255 but change them altogether! For you cannot fail to see, Crassus, how many and diverse are the styles of oratory, a fact which I should almost think you have been the first to make plain, who for a long time have been speaking in a far lighter and calmer fashion than was your wont; though the present serenity of your very dignified discourse finds as ready acceptance as did your extreme energy and passion of old: and there have been many orators including, we are told, the famous Scipio and Laelius, who obtained all their results by discourse little more emphatic than the ordinary, and never strained their lungs or shouted, as Servius Galba did. But if some day you should be unable or unwilling to do even this, are you afraid that the house of such a man and citizen as yourself will be left desolate by the rest of the community, just because it may no longer be the shrine of the litigious? Truly I am so far from agreeing with that view of yours, that I

tentia, ut non modo non arbitrer subsidium senectutis in eorum, qui consultum veniant, multitudine esse ponendum, sed tanquam portum aliquem, exspectem istam, quam tu times, solitudinem. Subsidium enim bellissimum existimo esse senectuti, otium.

256 Reliqua vero etiamsi adiuvant, historiam dico, et prudentiam iuris publici, et antiquitatis iter,[1] et exemplorum copiam, si quando opus erit, a viro optimo, et istis rebus instructissimo, familiari meo, Congo[2] mutuabor. Neque repugnabo, quominus—id quod modo hortatus es—omnia legant, omnia audiant, in omni recto studio atque humanitate versentur: sed mehercule non ita multum spatii mihi habere videntur, si modo ea facere et persequi volent, quae a te, Crasse, praecepta sunt; qui mihi prope etiam nimis duras leges imponere visus es huic aetati, sed tamen ad id, quod cupiunt, adipiscendum prope necessarias.

257 Nam et subitae ad propositas causas exercitationes, et accuratae, et meditatae commentationes, ac stylus ille tuus, quem tu vere dixisti perfectorem dicendi esse ac magistrum, multi sudoris est; et illa orationis suae cum scriptis alienis comparatio, et de alieno scripto subita, vel laudandi, vel vituperandi, vel comprobandi, vel refellendi causa, disputatio, non mediocris contentionis est, vel ad memoriam, vel ad imitandum.

258 LXI. Illud vero fuit horribile, quod mehercule vereor, ne maiorem vim ad deterrendum habuerit, quam ad cohortandum. Voluisti enim in suo genere

[1] scita *Reid*, memoriam *Koch*.
[2] *Roth*; Longo (Longino *edd.*).

not only do not think the prop of old age is to be found in the multitude of those who come to seek its counsel, but I look for that loneliness which you dread, as I might for a haven. For I hold that the finest prop of old age is its leisure.

General culture is sufficient.

256 "But the remaining acquirements,—useful as they are,—I am speaking of history, and a knowledge of public law, and the ways of the ancients, and a store of precedents,—I shall borrow, if ever I need them, from my friend Congus, an excellent man who is thoroughly versed in these things. And I shall not object to these young men reading and listening to everything, and busying themselves with every fitting pursuit and with general culture—as you advised just now—: but, I vow, they do not seem to me to have so very much time to spare, provided that they hope to accomplish and follow out all your bidding, Crassus; for I thought that the conditions you imposed were rather too rigorous for their time of life, though possibly necessary for the attainment

257 of the end of their desire. Indeed the impromptu exercises on problems set, the elaborate and considered reflections, and your practice of written composition, which you justly called the finishing schoolmaster of eloquence, all demand much toil; and that comparison of the student's own dissertation with the writings of others, and the unprepared estimate of another's work, by way of praise or disparagement, approval or refutation, involve exceptional efforts of memory and of the imitative faculty as well.

258 LXI. "Then that further claim of yours was terrifying, and upon my word I am afraid that its effect will be to deter rather than encourage. For you

unumquemque nostrum quasi quemdam esse Roscium; dixistique, non tam ea, quae recta essent, probari, quam quae prava sunt fastidiis adhaerescere: quod ego non tam fastidiose in nobis, quam in hi-
259 strionibus, spectari puto. Itaque nos raucos saepe attentissime audiri video: tenet enim res ipsa atque causa: at Aesopum, si paulum irrauserit, explodi. A quibus enim nihil praeter voluptatem aurium quaeritur, in eis offenditur, simul atque imminuitur aliquid de voluptate. In eloquentia autem multa sunt, quae teneant; quae si omnia summa non sunt—et pleraque tamen magna sunt—necesse est, ea ipsa quae sunt, mirabilia videri.

260 Ergo, ut ad primum illud revertar, sit orator nobis is, qui, ut Crassus descripsit, accommodate ad persuadendum possit dicere. Is autem concludatur in ea, quae sunt in usu civitatum vulgari ac forensi; remotisque ceteris studiis, quamvis ea sint ampla atque praeclara, in hoc uno opere, ut ita dicam, noctes et dies urgeatur; imiteturque illum, cui sine dubio summa vis dicendi conceditur, Atheniensem Demosthenem, in quo tantum studium fuisse, tantusque labor dicitur, ut primum impedimenta naturae diligentia industriaque superaret: cumque ita balbus esset, ut eius ipsius artis, cui studeret, primam litteram non posset dicere, perfecit meditando, ut nemo

[a] For the great orator's ways of conquering his natural handicaps see Schaefer's *Demosthenes*, vol. i. pp. 299-301; Cicero, *De Finibus* v. 2. 5; Plutarch's *Life of Demosthenes* (c. 11); and Quintilian x. 3. 30.
[b] Rhetorica.

would have every man of us be a kind of Roscius in his own line; and you said that the approbation accorded to the good points of a speech is short-lived in comparison with the enduring aversion inspired by its shortcomings, whereas I hold that the criticism of our oratory is less squeamish than
259 that directed upon actors. This explains why I see that, even when hoarse, we are often listened to with rapt attention, since the very fact of our hoarseness and our case grip the audience: while Aesopus, should he be a little husky, is hissed off the stage. For, in those arts of which nothing is expected save the gratification of the ear, offence is given directly that gratification is at all weakened. But of oratory the fascinating features are many, and even if all are not there in perfection—still, most of them are highly developed—, such as are actually present must needs be thought marvellous.

260 "And so, to return to our starting-point, let us take the orator to be, as Crassus defined him, a man who can speak in a way calculated to convince. But let him be shut up within the sphere of the daily intercourse and public life of bodies politic; and forsaking all other pursuits, be they as noble and glorious as you please, let him press forward night and day (so to speak) in this single vocation, and do as the famous Athenian Demosthenes[a] did, whose preeminence in oratory is unhesitatingly admitted, and whose zeal and exertions are said to have been such that at the very outset he surmounted natural drawbacks by diligent perseverance: and though at first stuttering so badly as to be unable to pronounce the initial R. of the name of the art of his devotion,[b] by practice he made himself accounted as

The important thing is practice.

261 planius eo locutus putaretur; deinde, cum spiritus eius esset angustior, tantum continenda anima in dicendo est assecutus, ut una continuatione verborum —id quod eius scripta declarant—binae ei contentiones vocis et remissiones continerentur; qui etiam —ut memoriae proditum est—, coniectis in os calculis, summa voce versus multos uno spiritu pronuntiare consuescebat; neque is consistens in loco, sed inambulans, atque ascensu ingrediens arduo.

262 Hisce ego cohortationibus, Crasse, ad studium et ad laborem incitandos iuvenes vehementer assentior: cetera, quae collegisti ex variis et diversis studiis et artibus, tametsi ipse es omnia consecutus, tamen ab oratoris proprio officio atque munere seiuncta esse arbitror.

LXII. Haec cum Antonius dixisset, sane dubitare visus est Sulpicius, et Cotta, utrius oratio propius ad
263 veritatem videretur accedere. Tum Crassus: Operarium nobis quemdam, Antoni, oratorem facis; atque haud scio, an aliter sentias, et utare tua illa mirifica ad refellendum consuetudine, qua tibi nemo unquam praestitit; cuius quidem ipsius facultatis exercitatio oratorum propria est, sed iam in philosophorum consuetudine versatur, maximeque eorum, qui de omni re proposita in utramque partem solent copiosissime
264 dicere. Verum ego non solum arbitrabar, his praesertim audientibus, a me informari oportere, qualis esse posset is, qui habitaret in subselliis, neque quid-

261 distinct a speaker as anyone; later on, though his breath was rather short, he succeeded so far in making his breath hold during a speech, that a single oratorical period—as his writings prove—covered two risings and two fallings of tone; moreover—as the tale goes—it was his habit to slip pebbles into his mouth, and then declaim a number of verses at the top of his voice and without drawing breath, and this not only as he stood still, but while walking about, or going up a steep slope.

262 "By encouragements of this sort, Crassus, I thoroughly agree with you that the young should be spurred on to severe application: all else that you have brought together from various and dissimilar pursuits and arts, though you yourself have attained everything, I nevertheless regard as lying outside the strict business and function of an orator."

LXII. At the conclusion of these observations of Antonius, Sulpicius, and Cotta too, appeared to be in grave doubt as to which of the two speakers' discourses bore the closer resemblance to the truth. Adjournment of the debate.
263 Presently Crassus replied: "Antonius, you are making our orator something of a mechanic; and I rather suspect you are really of a different opinion, and are gratifying that singular liking of yours for contradiction, in which no one has ever outdone you; the exercise of this power belongs peculiarly to orators, though nowadays it is in regular use among philosophers, and chiefly those who make a practice of arguing at extreme length either for or against
264 any proposition whatever laid before them. Now I did not think it my duty, especially before my present audience, to delineate only the possible quality of such a speaker as would live in Court, and

quam amplius afferret, quam quod causarum necessitas postularet; sed maius quiddam videbam, cum censebam, oratorem, praesertim in nostra republica, nullius ornamenti expertem esse oportere. Tu autem, quoniam exiguis quibusdam finibus totum oratoris munus circumdedisti, hoc facilius nobis expones ea, quae abs te de officiis praeceptisque oratoris quaesita sunt: sed, opinor, secundum hunc diem. Satis enim
265 multa a nobis hodie dicta sunt. Nunc et Scaevola, quoniam in Tusculanum ire constituit, paulum requiescet, dum se calor frangat; et nos ipsi, quoniam id temporis est, valetudini demus operam.

Placuit sic omnibus. Tum Scaevola: Sane, inquit, vellem non constituissem, in Tusculanum me hodie venturum esse, Laelio; libenter audirem Antonium. Et, cum exsurgeret, simul arridens: Neque enim, inquit, tam mihi molestus fuit, quod ius nostrum civile pervellit, quam iucundus, quod se id nescire confessus est.

bring thither nothing more than the needs of his cases demanded; but I was envisaging a loftier ideal when I stated my view that the orator, especially in our own community, ought to lack nothing in the way of equipment. You on the other hand, having enclosed within certain narrow confines the whole function of an orator, will the more easily expound to us the result of your investigations into his duties and rules: but that, I think, must be another time. For our talk to-day has been long
265 enough. Now too Scaevola, as he has arranged to go to his Tusculan villa, will rest awhile, until the heat has abated; and let us ourselves, considering the time of day, take care of our health."

This suggestion pleased everybody. Then Scaevola observed: "I devoutly wish that I had not arranged with Laelius to arrive at my Tusculan villa to-day; I should like to hear Antonius." And, as he got up, he added with a smile: "For I was not so much vexed by his tearing our common law to tatters, as delighted by his admission that he knew nothing about it."

DE ORATORE

DIALOGUS SEU LIBER SECUNDUS

1 I. Magna nobis pueris, Quinte frater, si memoria tenes, opinio fuit, L. Crassum non plus attigisse doctrinae, quam quantum prima illa puerili institutione potuisset; M. autem Antonium omnino omnis eruditionis expertem atque ignarum fuisse. Erantque multi qui, quanquam non ita sese rem habere arbitrarentur, tamen, quo facilius nos incensos studio dicendi a doctrina deterrerent, libenter id quod dixi, de illis oratoribus praedicarent, ut, si homines non eruditi summam essent prudentiam atque incredibilem eloquentiam consecuti, inanis omnis noster esse labor, et stultum in nobis erudiendis, patris nostri,
2 optimi ac prudentissimi viri, studium videretur. Quos tum, ut pueri, refutare domesticis testibus patre et C. Aculeone propinquo nostro et L. Cicerone patruo solebamus, quod de Crasso pater, et Aculeo (quocum erat nostra matertera), quem Crassus dilexit ex

THE MAKING OF AN ORATOR

BOOK THE SECOND

Introduction: eloquence of Crassus and Antonius based on erudition.

1 I. When we were boys, brother Quintus, there was, if you remember, a widespread belief that Lucius Crassus had dabbled no further in learning than the early training of a lad of his day allowed, and that Marcus Antonius was absolutely without any education and ignorant. And there were many who, while they did not hold this to be the truth of the matter, none the less hoped the more readily to deter us eager students in search of eloquence from the pursuit of learning, and so they did not scruple to make such statements about those eminent orators; to the intent that we ourselves, on seeing that men who were no scholars had attained the highest degree of practical wisdom, and a standard of eloquence passing belief, might come to look upon all our own labour as being but in vain, and to think mere folly the care bestowed upon our education by a man so excellent and widely experienced as our father.
2 Such sophists we used at that time to confound, in boyish fashion, by calling witnesses from home, namely our father, our near kinsman Gaius Aculeo, and our paternal uncle Lucius Cicero, inasmuch as our father, and Aculeo, who married our mother's sister, and was esteemed by Crassus above all other

omnibus plurimum, et patruus, qui cum Antonio in Ciliciam profectus una decesserat, multa nobis de eius studio doctrinaque saepe narravit. Cumque nos cum consobrinis nostris, Aculeonis filiis, et ea disceremus, quae Crasso placerent, et ab his doctoribus, quibus ille uteretur, erudiremur, etiam illud saepe intelleximus cum essemus eius domi,[1] quod vel pueri sentire poteramus, illum et Graece sic loqui, nullam ut nosse aliam linguam videretur, et doctoribus nostris ea ponere in percontando, eaque ipsum omni in sermone tractare, ut nihil esse ei novum, nihil inau-
3 ditum videretur. De Antonio vero, quanquam saepe ex humanissimo homine, patruo nostro, acceperamus, quemadmodum ille vel Athenis vel Rhodi se doctissimorum hominum sermonibus dedisset, tamen ipse adolescentulus, quantum illius ineuntis aetatis meae patiebatur pudor, multa ex eo saepe quaesivi. Non erit profecto tibi, quod scribo, hoc novum nam iam tum ex me audiebas, mihi illum, ex multis variisque sermonibus, nullius rei, quae quidem esset in his artibus, de quibus aliquid existimare possem, rudem aut ignarum esse visum.

4 Sed fuit hoc in utroque eorum, ut Crassus non tam existimari vellet non didicisse, quam illa despicere,

[1] eius domi. *The correction of Piderit and Sorof for the indefensible* eius modi *of the MSS.*

men, and our paternal uncle, who went out to Cilicia with Antonius, and was with him when he left his province for home, all severally and often related to us a great deal about Crassus, his application to study, and his intellectual attainments. And since, in the company of our cousins, the sons of Aculeo and our mother's sister, we were not only studying such subjects as attracted Crassus, but were also being instructed by those very teachers whom he made his friends, we, being as we were at his home, often perceived,—as even we boys could perceive,—that, besides speaking Greek so perfectly as to suggest that it was the only tongue he knew, he propounded such topics to our masters in the way of inquiry and himself so handled matters in his discourse, that nothing seemed strange to him,
3 nothing beyond his range of knowledge. But as for Antonius, although we had frequently understood from our highly accomplished paternal uncle how, at Athens and at Rhodes alike, that orator had devoted himself to conversation with the most learned men, yet I myself, in early life, went as far as the modesty natural to my youth permitted, in questioning him time and again on many subjects. What I am writing will assuredly be no news to you, for I used to tell you even then that the result of many conversations with him on various subjects was to convey to me the impression that there was nothing—at least in any studies about which I could form an opinion—about which he was inexperienced or ignorant.

4 There was nevertheless this point of difference between the two men, that Crassus did not so much wish to be thought to have learned nothing, as to have the reputation of looking down upon learning,

et nostrorum hominum in omni genere prudentiam Graecis anteferre; Antonius autem probabiliorem hoc populo orationem fore censebat suam, si omnino didicisse nunquam putaretur. Atque ita se uterque graviorem fore, si alter contemnere, alter ne nosse
5 quidem Graecos videretur. Quorum consilium quale fuerit, nihil sane ad hoc tempus; illud autem est huius institutae scriptionis ac temporis, neminem eloquentia, non modo sine dicendi doctrina, sed ne sine omni quidem sapientia, florere unquam et praestare potuisse.

II. Etenim ceterae fere artes se ipsae per se tuentur singulae; bene dicere autem, quod est scienter, et perite, et ornate dicere, non habet definitam aliquam regionem, cuius terminis septa teneatur. Omnia, quaecumque in hominum disceptationem cadere possunt, bene sunt ei dicenda, qui hoc se posse profitetur, aut eloquentiae nomen relinquendum
6 est. Quare equidem et in nostra civitate, et in ipsa Graecia, quae semper haec summa duxit, multos et ingeniis, et magna laude dicendi sine summa rerum omnium scientia fuisse fateor; talem vero exsistere eloquentiam, qualis fuerit in Crasso et Antonio, non cognitis rebus omnibus, quae ad tantam prudentiam pertinerent, tantamque dicendi copiam, quanta in illis
7 fuit, non potuisse confirmo. Quo etiam feci libentius, ut eum sermonem, quem illi quondam inter se

and of placing the wisdom of our own fellow-countrymen above that of the Greeks in all departments; while Antonius held that his speeches would be the more acceptable to a nation like ours, if it were thought that he had never engaged in study at all. Thus the one expected to grow in influence by being thought to hold a poor opinion of the Greeks, and the other by seeming never even to have heard of them.
5 What the value of these opinions was, would clearly not matter now, but it does belong to this treatise which I have in hand, and to this occasion, to insist that no man has ever succeeded in achieving splendour and excellence in oratory, I will not say merely without training in speaking, but without taking all knowledge for his province as well.

Oratory must be backed by learning.

II. For, while nearly all the other arts can look after themselves, the art of speaking well, that is to say, of speaking with knowledge, skill and elegance, has no delimited territory, within whose borders it is enclosed and confined. All things whatsoever, that can fall under the discussion of human beings, must be aptly dealt with by him who professes to have this power, or he must abandon the name of eloquent.
6 And so on my own part, I admit that, both in our own country and in Greece itself, which has ever held these pursuits in the highest esteem, there have appeared many men of natural parts and great reputation in oratory, without the fullest universal knowledge; yet I maintain that such eloquence as Crassus and Antonius attained could never have been realized without a knowledge of every matter that went to produce that wisdom and that power of
7 oratory which were manifest in those two. And so I was the readier to commit to writing a conversation

de his rebus habuissent, mandarem litteris, vel ut illa opinio, quae semper fuisset, tolleretur, alterum non doctissimum, alterum plane indoctum fuisse ; vel ut ea, quae existimarem a summis oratoribus de eloquentia divinitus esse dicta, custodirem litteris, si ullo modo assequi complectique potuissem ; vel mehercule etiam, ut laudem eorum, iam prope senescentem, quantum ego possem, ab oblivione hominum
8 atque a silentio vindicarem. Nam si ex scriptis cognosci ipsi suis potuissent, minus hoc fortasse mihi esse putassem laborandum : sed cum alter non multum quod quidem exstaret, et id ipsum adolescens, alter nihil admodum scripti reliquisset, deberi hoc a me tantis hominum ingeniis putavi, ut, cum etiam nunc vivam illorum memoriam teneremus, hanc
9 immortalem redderem, si possem. Quod hoc etiam spe aggredior maiore ad probandum, quia non de Ser. Galbae, aut C. Carbonis eloquentia scribo aliquid, in quo liceat mihi fingere, si quid velim, nullius memoria iam me refellente : sed edo haec eis cognoscenda, qui eos ipsos, de quibus loquor, saepe audierunt ; ut duos summos viros eis, qui neutrum illorum viderint, eorum, quibus ambo illi oratores cogniti sint, vivorum et praesentium memoria teste, commendemus.

they once had on the subject, my purpose being, in the first place, to dispel that notion, which had always prevailed, that one of them had no great learning and the other none at all; secondly, to preserve in literary form the sentiments concerning eloquence which to my thinking were expressed to perfection by those consummate orators, if in any way I should have succeeded in recapturing and representing their pronouncements; and lastly, I protest, to rescue, as far as possible, from disuse and from silence, the reputation of these men which was
8 already beginning to wane. For could their own writings have made those orators known, perhaps I should have seen smaller need for this work that I have undertaken, but as one of them had written little (at all events little that survived), and had written that little in early life, while the other had left nothing whatever in writing, I thought that it was a tribute due from me to those great intellects, that while all still held them in living memory I should render that memory immortal, if I could.
9 And my hope is so much the greater that I shall establish the case which I am approaching, because I am not treating of the eloquence of Servius Galba or Gaius Carbo, in which case I should be able to invent at pleasure, no one now surviving to contradict me with his reminiscences, but I am publishing what will be criticized by those who have often actually listened to the men of whom I am speaking, in order that I may recommend an illustrious pair to those who have never seen either of them, on the testimony of the recollections of men to whom both those famous orators were personally known, and who themselves are living and still among us.

10 III. Nec vero te, carissime frater atque optime, rhetoricis nunc quibusdam libris, quos tu agrestes putas, insequor ut erudiam: quid enim tua potest oratione aut subtilius, aut ornatius esse? Sed, sive iudicio, ut soles dicere, sive, ut ille pater eloquentiae de se Isocrates scripsit ipse, pudore a dicendo et timiditate ingenua quadam refugisti, sive, ut ipse iocari soleo, unum putasti satis esse non modo in una familia rhetorem, sed paene in tota civitate, non tamen arbitror tibi hos libros in eo fore genere, quod merito, propter eorum, qui de dicendi ratione disputarunt, ieiunitatem bonarum artium, possit illudi.

11 Nihil enim mihi quidem videtur in Crassi et Antonii sermone esse praeteritum, quod quisquam summis ingeniis, acerrimis studiis, optima doctrina, maximo usu cognosci ac percipi potuisse arbitraretur, quod tu facillime poteris iudicare, qui prudentiam rationemque dicendi per te ipsum, usum autem per nos percipere voluisti. Sed, quo citius hoc, quod suscepimus, non mediocre munus conficere possimus, omissa nostra adhortatione, ad eorum, quos proposuimus, sermonem disputationemque veniamus.

12 Postero igitur die, quam illa erant acta, hora fere secunda, cum etiam tum in lecto Crassus esset et apud eum Sulpicius sederet, Antonius autem inambularet cum Cotta in porticu, repente eo Q.

The topic commended.

10 III. But you are the last man, my dear and excellent brother, that I should try to instruct by means of a lot of books which you think only crude; for what can be more exact or graceful than your own diction? But whether it be on principle, as you generally affirm, or from modesty and what I may call the diffidence of the well-bred, that you have shrunk from public speaking (as that eminent father of eloquence, Isocrates, has declared to have been the case with himself), or whether, as I myself am wont to say in jesting mood, you thought one declaimer enough in a family, and wellnigh enough in an entire community, still I think that you will not place this essay among that class of writings which may be a fitting object of ridicule, because of the sheer want of good learning in those who have
11 therein discussed the art of speaking. For to my mind nothing has been passed over, in the dialogue between Crassus and Antonius, that anyone would have thought possible to be known and understood by men of the highest ability, the most eager application, the profoundest learning, and the most complete experience,—a point which you will have no trouble in deciding, since you have chosen to master the lore and principles of oratory by your own study, its practice by my assistance. But in order the sooner to discharge this important duty that we have undertaken, let us proceed, without any preamble of mine, to the discourse and arguments of those orators whom we have set before us.

The second day's debate. Arrival of Catulus and Caesar.

12 On the morrow, then, of that former debate, at about eight in the morning, while Crassus was still in bed and Sulpicius sitting by his side, and Antonius strolling with Cotta in the colonnade, Quintus Catulus

Catulus senex cum C. Iulio fratre venit. Quod ubi audivit, commotus Crassus surrexit omnesque admirati maiorem aliquam esse causam eorum adven-
13 tus suspicati sunt. Qui cum inter se, ut ipsorum usus ferebat, amicissime consalutassent: Quid vos tandem? Crassus, num quidnam, inquit, novi? Nihil sane, inquit Catulus: etenim vides esse ludos. Sed (vel tu nos ineptos licet, inquit, vel molestos putes) cum ad me in Tusculanum heri vesperi venisset Caesar de Tusculano suo, dixit mihi, a se Scaevolam hinc euntem esse conventum, ex quo mira quaedam se audisse dicebat; te, quem ego, toties omni ratione tentans, ad disputandum elicere non potuissem, permulta de eloquentia cum Antonio disseruisse, et tanquam in schola, prope ad Grae-
14 corum consuetudinem, disputasse. Ita me frater exoravit, ne ipsum quidem a studio audiendi nimis abhorrentem, sed mehercule verentem, ne molesti vobis interveniremus, ut huc secum venirem; Scaevolam etenim ita dicere aiebat, bonam partem sermonis in hunc diem esse dilatam. Hoc si tu cupidius factum existimas, Caesari attribues; si familiarius, utrique nostrum: nos quidem, nisi forte molesti intervenimus, venisse delectat.

15 IV. Tum Crassus: Equidem, quaecumque causa vos huc attulisset, laetarer, cum apud me viderem

the elder suddenly arrived at the house, accompanied by his brother Gaius Julius. On being informed of this, Crassus rose in a state of excitement, and general astonishment prevailed, everyone surmising that the reason for this visit must be something out of the
13 ordinary. After exchanging very cordial greetings with one another, as their practice was, Crassus inquired, "What in the world brings you here? Have you any news?" "None whatever," replied Catulus; "you see the Games are on. Think us impertinent or troublesome, as you please, but the fact is, that on arriving yesterday evening at my Tusculan villa from his own, Caesar told me that he had met Scaevola, who was on his way from this place, and who related to him a marvellous tale, the purport of which was that you, whom all my inducements, so often employed, could never draw into a discussion, had been stating your views on oratory at large, in debate with Antonius, and reasoning as if in the schools, and very much in the Greek mode.
14 And this was how my brother's entreaties prevailed upon me to accompany him hither,—not indeed that I have any particular aversion to playing the part of a listener, but I vow I was afraid that our pushing in might be troublesome to you—; for he explained that, according to Scaevola, a good part of the discourse stood adjourned until to-day. If you think this action of ours impertinent curiosity, you will blame Caesar, if it seems an abuse of friendship, you will blame the pair of us; for our part we are charmed to be here, provided always that our coming in does not happen to be a nuisance."

15 IV. To which Crassus made answer, "Whatever occasion had brought you here, I should be delighted

General conversation.

homines mihi carissimos et amicissimos; sed tamen, vere dicam, quaevis mallem fuisset, quam ista, quam dicis. Ego enim ut, quemadmodum sentiam, loquar, nunquam mihi minus, quam hesterno die, placui; magis adeo id facilitate, quam alia ulla culpa mea contigit, qui, dum obsequor adolescentibus, me senem esse sum oblitus, fecique id, quod ne adolescens quidem feceram, ut eis de rebus, quae doctrina aliqua continerentur, disputarem. Sed hoc tamen cecidit mihi peropportune, quod, transactis iam meis partibus, ad Antonium audiendum venistis.

16 Tum Caesar: Equidem, inquit, Crasse, ita sum cupidus te in illa longiore ac perpetua disputatione audiendi, ut, si id mihi minus contingat, vel hoc sim quotidiano tuo sermone contentus. Itaque experiar equidem illud, ut ne Sulpicius, familiaris meus, aut Cotta, plus quam ego apud te valere videantur; et te exorabo profecto, ut mihi quoque et Catulo tuae suavitatis aliquid impertias. Sin tibi id minus libebit, non te urgebo, neque committam, ut, dum vereare, tu ne sis ineptus, me esse iudices.

17 Tum ille: Ego mehercule, inquit, Caesar, ex omnibus Latinis verbis huius verbi vim vel maximam semper putavi. Quem enim nos 'ineptum' vocamus, is mihi videtur ab hoc nomen habere ductum, quod non sit aptus; idque in sermonis nostri consuetudine perlate patet; nam qui aut, tempus quid postulet,

to see at my home men who are among my dearest and best friends; yet, to tell the truth, I had rather it had been any other object than the one you mention. For, to speak my mind, I personally have never been so dissatisfied with myself as I was yesterday; indeed it was just good-nature rather than any fault of mine when, in humouring the young, I forgot that I was old, and did a thing which even as a youth I had never done, in discussing subjects that involved a certain degree of learning. One circumstance however has turned out most happily for me, in that my part is already played out, so Antonius is the one you have come to hear."

16 "For my part, Crassus," returned Caesar, "while I am longing to hear you in that fuller and uninterrupted style of debate, yet, if that is not to be had, I could even make shift with your everyday talk. One thing therefore I shall certainly attempt, which is to prevent people from supposing that either my friend Sulpicius or Cotta has more influence with you than I have, and assuredly I shall implore you to spare a little of your amiability even for Catulus and myself. If however that suggestion does not commend itself to you, I shall not press you, nor give you occasion to deem me tactless, while dreading any tactlessness on your own part."

17 "Truly, Caesar," rejoined the other, "I have always thought that, of all the words in the Latin language, none has so wide a signification as this word that you have just used. Of course the man whom we call 'tactless' seems to me to bear a title derived from his want of tact, and this is most amply illustrated in our ordinary conversation, inasmuch as whosoever fails to realize the demands of the occa-

non videt, aut plura loquitur, aut se ostentat, aut eorum, quibuscum est, vel dignitatis, vel commodi rationem non habet, aut denique in aliquo genere aut
18 inconcinnus, aut multus est, is ineptus dicitur. Hoc vitio cumulata est eruditissima illa Graecorum natio: itaque quod vim huius mali Graeci non vident, ne nomen quidem ei vitio imposuerunt; ut enim quaeras omnia, quomodo Graeci ineptum appellent, non reperies. Omnium autem ineptiarum, quae sunt innumerabiles, haud scio, an nulla sit maior, quam, ut illi solent, quocumque in loco, quoscumque inter homines visum est, de rebus aut difficillimis, aut non necessariis, argutissime disputare. Hoc nos ab istis adolescentibus facere inviti et recusantes heri coacti sumus.

19 V. Tum Catulus: Ne Graeci quidem, inquit, Crasse, qui in civitatibus suis clari et magni fuerunt, sicuti tu es, nosque omnes in nostra republica volumus esse, horum Graecorum, qui se inculcant auribus nostris, similes fuerunt, nec in otio sermones
20 huiusmodi, disputationesque fugiebant. Ac si tibi videntur, qui temporis, qui loci, qui hominum rationem non habent, inepti, sicut debent videri, num tandem aut locus hic non idoneus videtur, in quo porticus haec ipsa, ubi ambulamus, et palaestra, et tot locis sessiones, gymnasiorum, et Graecorum disputationum memoriam quodam modo commovent? Aut num importunum tempus in tanto otio, quod et

[a] Originally designed for physical exercise, the *gymnasia* had become the scene of lectures on philosophy.

sion, or talks too much, or advertises himself, or ignores the prestige or convenience of those with whom he has to deal, or, in short, is in any way awk-
18 ward or tedious, is described as 'tactless.' The Greek nation, with all its learning, abounds in this fault, and so, as the Greeks do not perceive the significance of this plague, they have not even bestowed a name upon the fault in question, for, search where you may, you will not find out how the Greeks designate the 'tactless' man. But, of all the countless forms assumed by want of tact, I rather think that the grossest is the Greeks' habit, in any place and any company they like, of plunging into the most subtle dialectic concerning subjects that present extreme difficulty, or at any rate do not call for discussion. This is what we were obliged to do yesterday by our young friends here, albeit we yielded but reluctantly and under protest."

Philosophical discussion and the employment of leisure.

19 V. Thereupon Catulus observed, "But even among the Greeks, Crassus, those who were famous and great men in their respective communities, as in our own republic you are, and we all hope to be, were wholly unlike these Greeks, who obtrude themselves upon our hearing; and yet in their hours of ease they were not averse to discussion and debate of this kind.
20 And, although you are justified in deeming those people tactless, who take no heed of seasons, places or persons, yet do you really think this scene ill-fitting, where this very colonnade, in which we are now walking, this exercise-ground, and these benches placed at so many points, in some degree awaken memories of the gymnastic schools[a] and the discussions of the Greeks? Or can it be the season that is ill-chosen, occurring as it does during a holiday of a length such

raro datur, et nunc peroptato nobis datum est? Aut homines ab hoc genere disputationis alieni, qui omnes ei sumus, ut sine his studiis vitam nullam esse ducamus?

21 Omnia ista, inquit Crassus, ego alio modo interpretor, qui primum palaestram, et sedes, et porticus etiam ipsos, Catule, Graecos exercitationis et delectationis causa non disputationis invenisse arbitror. Nam et saeculis multis ante gymnasia inventa sunt, quam in eis philosophi garrire coeperunt, et hoc ipso tempore, cum omnia gymnasia philosophi teneant, tamen eorum auditores discum audire quam philosophum malunt: qui simul ut increpuit, in media oratione de maximis rebus et gravissimis disputantem philosophum omnes unctionis causa relinquunt: ita levissimam delectationem gravissimae, ut
22 ipsi ferunt, utilitati anteponunt. Otium autem quod dicis esse, assentior; verum otii fructus est, non contentio animi, sed relaxatio.

VI. Saepe ex socero meo audivi, cum is diceret socerum suum Laelium semper fere cum Scipione solitum rusticari eosque incredibiliter repuerascere esse solitos, cum rus ex urbe, tanquam e vinculis, evolavissent. Non audeo dicere de talibus viris, sed tamen ita solet narrare Scaevola, conchas eos et umbilicos ad Caietam et ad Laurentum legere consuesse, et ad omnem animi remissionem ludumque

[a] *Vitam nullam* corresponds to the Platonic βίον οὐ βιωτόν (*Apol.* 38 A).
[b] *Unctionis causa* refers to the wrestler's use of suppling-oil in preparation for the *palaestra.*

as we seldom enjoy and find especially welcome at the present time? Or are we new to debate of this kind, we being all of us men of such sort as to hold that life [a] without these exercises is worth nothing?"

21 "Everything that you urge," said Crassus, "I look at in a different light, since in the first place, Catulus, it is my belief that even the Greeks themselves devised their exercise-ground, benches and colonnades, for purposes of physical training and enjoyment, not for dialectic. For not only were their gymnastic schools introduced ages before the philosophers began to chatter therein, but even in the present day, although the sages may be in occupation of all the gymnastic schools, yet their audiences would rather listen to the discus than to the Master, and the moment its clink is heard, they all desert the lecturer, in the middle of an oration upon the most sublime and weighty topics, in order to anoint [b] themselves for athletic exercise; so definitely do they place the most trifling amusement before that which the philosophers describe as the most solid advantage.
22 And, as to your saying that it is a holiday, I agree with you; but the enjoyment of a holiday is not mental effort, but relaxation.

VI. "Often have I heard my father-in-law say that his own father-in-law Laelius almost invariably had Scipio with him upon his country excursions, and that the pair of them used to become boys again, in an astonishing degree, as soon as ever they had flitted from the prison of town to rural scenes. I am afraid to say it of personages so august, but Scaevola is fond of relating how at Caieta and Laurentum it was their wont to collect mussels and top-shells, and to condescend to every form of mental recreation and

23 descendere. Sic enim se res habet: ut, quemadmodum volucres videmus, procreationis atque utilitatis suae causa, fingere et construere nidos, easdem autem, cum aliquid effecerint, levandi laboris sui causa, passim ac libere, solutas opere, volitare; sic nostri animi, forensibus negotiis atque urbano opere defessi, gestiant ac volitare cupiant, vacui cura ac
24 labore. Itaque illud, quod ego in causa Curiana Scaevolae dixi, non dixi secus ac sentiebam, 'Nam si,' inquam, 'Scaevola, nullum erit testamentum recte factum, nisi quod tu scripseris, omnes ad te cives cum tabulis veniemus, omnium testamenta tu scribes unus: quid igitur?' inquam: 'quando ages negotium publicum? quando amicorum? quando tuum? quando denique nihil ages?' Tum illud addidi: 'Mihi enim liber esse non videtur, qui non aliquando nihil agit.' In qua permaneo, Catule, sententia; meque, cum huc veni, hoc ipsum nihil agere et plane cessare delectat.

25 Nam quod addidisti tertium, vos eos esse, qui vitam insuavem sine his studiis putaretis, id me non modo non hortatur ad disputandum, sed etiam deterret. Nam ut C. Lucilius, homo doctus et perurbanus, dicere solebat ea quae scriberet neque ab indoctissimis se, neque a doctissimis legi velle; quod alteri nihil intellegerent, alteri plus fortasse, quam ipse;

23 pastime. For nature is so ordered, that even as we see the birds fashioning and building their nests, with a view to raising families and to their own comfort, but yet, as soon as any part of their task is done, seeking some relief from their toil by flying about at random in full freedom from work, so in like manner our human minds, when worn out by the business of the Courts and the work of the City, grow restless and yearn to go a-roving, in freedom from worry and
24 exertion. And so, in those observations that I addressed to Scaevola, in the course of my defence of Curius, I said no more than I thought, when I declared, 'Well, Scaevola, if no will is to be duly made, unless it be of your drafting, all we citizens will come to you with our tablets, and you alone shall draw the wills of us all, but in that event,' I went on, 'when will you conduct affairs of State? when those of your friends? when your own? when, in one word, will you do nothing?' And I added also the proposition, 'For to my mind he is no free man, who is not sometimes doing nothing.' To that view, Catulus, I still adhere, and it is just this inaction and utter idleness that charm me on my comings to this place.

25 "As for the third argument, which you threw in, that you are men so constituted that you would find life insipid without these pursuits, this consideration, so far from encouraging me to debate, positively frightens me away from it. For just as Gaius Lucilius, himself a learned and highly accomplished man, was wont to say that he wished his writings to be read neither by the most ignorant nor the most learned, since the former class understood nothing, and the latter possibly more than he himself did, in which

de quo etiam scripsit, 'Persium non curo legere' (hic enim fuit, ut noramus, omnium fere nostrorum hominum doctissimus), 'Laelium Decumum volo' (quem cognovimus virum bonum, et non illiteratum, sed nihil ad Persium): sic ego, si iam mihi disputandum sit de his nostris studiis, nolim equidem apud rusticos, sed multo minus apud vos; malo enim non intellegi orationem meam, quam reprehendi.

26 VII. Tum Caesar: Equidem, inquit, Catule, iam mihi videor navasse operam, quod huc venerim, nam haec ipsa recusatio disputationis disputatio quaedam fuit mihi quidem periucunda. Sed cur impedimus Antonium, cuius audio esse partes, ut de tota eloquentia disserat, quemque iamdudum Cotta et Sul-
27 picius exspectant? Ego vero, inquit Crassus, neque Antonium verbum facere patiar, et ipse obmutescam, nisi prius a vobis impetraro — Quidnam? inquit Catulus. Ut hic sitis hodie. Tum, cum ille dubitaret, quod ad fratrem promiserat, Ego, inquit Iulius, pro utroque respondeo. Sic faciemus; atque ista quidem conditione, vel ut verbum nullum faceres, me teneres.

28 Hic Catulus arrisit; et simul: Praecisa, inquit, mihi quidem dubitatio est, quoniam neque domi imperaram, et hic, apud quem eram futurus, sine mea sententia tam facile promisit. Tum omnes oculos

[a] *Remains of Old Latin* (L.C.L.), iii. pp. 202-203.

connexion he also wrote [a]:—'I don't want Persius to read me' (Persius, as we knew him, being about the most erudite of all our fellow-citizens), and he continued:—'Laelius Decumus for me' (which Laelius we also knew for an excellent man of some learning, but nothing to Persius): so too I, if I should now have to discuss these pursuits of ours, should of course be sorry to speak before an audience of clowns, but far more reluctant to do so in this present company, for I had rather have my discourse misunderstood than disapproved."

Resumption of yesterday's discussion. Antonius states his own position.

26 VII. "Truly, Catulus," answered Caesar, "I think already that I have bestowed my pains to advantage in coming hither, for to myself at any rate this very protest against discussion has been in itself a discussion of a most agreeable character. But why are we delaying Antonius, whose function, I hear, is to treat of eloquence at large, and for whom Cotta has been
27 a long time waiting, and so has Sulpicius?" "Nay," interposed Crassus, "I will not have Antonius utter a syllable, and I will myself be dumb, until I have first obtained a boon from you." "Name it," said Catulus. "That you spend the day here." Then, as the other hesitated, because he had promised to go to his brother's, Julius observed, "I answer for both of us. We will do as you ask, and on the terms you offer, you would keep me here, even though you should not contribute a word to the debate."

28 Here Catulus smiled on him and said, "There's an end of my hesitation anyhow, since I had given no orders at home, and my brother here, at whose house I was to have been, has so readily engaged me, without my having any say in the matter." At this point all eyes were turned on Antonius,

in Antonium coniecerunt; et ille: Audite vero, audite, inquit. Hominem enim audietis de schola, atque a magistro et Graecis litteris eruditum; et eo quidem loquar confidentius, quod Catulus auditor accessit, cui non solum nos Latini sermonis, sed etiam Graeci ipsi solent suae linguae subtilitatem elegan-
29 tiamque concedere. Sed quia tamen hoc totum, quidquid est, sive artificium, sive studium dicendi, nisi accessit os, nullum potest esse, docebo vos, discipuli, quod ipse non didici, quid de omni genere dicendi sentiam.

30 Hic posteaquam arriserunt, Res mihi videtur esse, inquit, facultate praeclara, arte mediocris. Ars enim earum rerum est, quae sciuntur; oratoris autem omnis actio opinionibus, non scientia continetur. Nam et apud eos dicimus, qui nesciunt, et ea dicimus, quae nescimus ipsi: itaque et illi alias aliud eisdem de rebus et sentiunt et iudicant et nos contrarias saepe causas dicimus, non modo ut Crassus contra me dicat aliquando, aut ego contra Crassum, cum alterutri necesse sit falsum dicere, sed etiam ut uterque nostrum eadem de re alias aliud defendat, cum plus uno verum esse non possit. Ut igitur in eiusmodi re, quae mendacio nixa sit, quae ad scientiam non saepe perveniat, quae opiniones hominum, et saepe errores

---

[a] *Facultate.* Similarly Aristotle describes rhetoric as a δύναμις, not a τέχνη (*Rhet.* I. ii. 1).

who exclaimed, "Attention, pray! Attention! For you will be listening to a man from the schools, polished by professorial instruction and the study of Greek literature; and I shall speak with all the fuller assurance, in that Catulus has joined my audience, he whose possession of accuracy and taste in the Greek language is ever acknowledged, not only by us men of Latin speech, but by the Greeks themselves as
29 well. Seeing however that all this art or vocation of speaking, whichever it may be, can avail nothing without the addition of 'cheek,' I will teach you, my disciples, something that I have not learned myself, to wit, my theory of oratory in all its branches."

30 When their laughter had subsided, he continued, "Oratory, it seems to me, derives distinction from ability,[a] but owes little to art. For, while art is concerned with the things that are known, the activity of the orator has to do with opinion, not knowledge. For we both address ourselves to the ignorant, and speak of matters unknown to ourselves, with the result, that while our hearers form different conceptions and judgements at different times, concerning the selfsame subjects, we on our part often take opposite sides, not merely in the sense that Crassus sometimes argues against me, or I against him, when one or the other of us must of necessity be urging what is false, but also because we both maintain different opinions at different times on an identical issue, in which case only one of such opinions can possibly be right. I shall therefore speak as one who is dealing with a subject which is founded upon falsehood, which seldom attains to demonstration, which sets its snares to entrap the fancies and often the

Oratory not a science;

aucupetur, ita dicam, si causam putatis esse, cur
audiatis.

31 VIII. Nos vero et valde quidem, Catulus inquit,
putamus, atque eo magis, quod nulla mihi ostenta-
tione videris esse usurus. Exorsus es enim non
gloriose; magis a veritate, ut tu putas, quam a nescio
32 qua dignitate. Ut igitur de ipso genere sum con-
fessus, inquit Antonius, artem esse non maximam, sic
illud affirmo, praecepta posse quaedam dari peracuta
ad pertractandos animos hominum et ad excipiendas
eorum voluntates. Huius rei scientiam si quis volet
magnam quamdam artem esse dicere, non repug-
nabo. Etenim cum plerique temere ac nulla ratione
causas in foro dicant, nonnulli autem propter exer-
citationem, aut propter consuetudinem aliquam, cal-
lidius id faciant, non est dubium quin, si quis
animadverterit, quid sit, quare alii melius quam alii
33 dicant, id possit notare. Ergo id qui toto in genere
fecerit, is si non plane artem, at quasi artem quamdam
invenerit.

Atque utinam, ut mihi illa videre videor in foro
atque in causis, item nunc, quemadmodum ea reperi-
rentur, possem vobis exquirere! Sed de me videro:
nunc hoc propono, quod mihi persuasi, quamvis ars

delusions of mankind, provided of course that you
think there is any reason for listening to me."

31 VIII. "Assuredly we think so most decidedly," but rules for effective speaking may be drawn from experience
said Catulus, "and all the more in that you do not
seem to me to intend the use of any self-advertise-
ment. For you have opened in no vaunting fashion,
starting, as you think, from the actual facts of the
case, rather than from any supposed grandeur of
32 your theme." "Well then," resumed Antonius,
"while I have admitted, on the general question,
that oratory is not the highest form of art, I yet make
this assertion—that some very clever rules may be
laid down for playing upon men's feelings and making
prize of their goodwill. If anyone is for claiming
that the knowledge of such devices is an art of real
significance, I am not going to quarrel with him.
For, inasmuch as very many advocates argue their
cases in Court carelessly and without method, while
some others, thanks to training or to a certain amount
of experience, do such work more skilfully, it is indis-
putable that any man who applies his mind to finding
out the reason why some speak better than others,
33 may succeed in discerning it. Whence it follows,
that he who extends his survey over the whole
province of rhetoric, will discover that which, though
not absolutely an art, yet wears the likeness of
an art.

"And I would that, even as I think I see, with the
mind's eye, the course of proceedings in the Courts,
and at the hearing of actions, so I could now go
on to bring these before you as they really are!
But of myself hereafter: for the time being I enun-
ciate this proposition, which I have proved to my
own satisfaction,—that, although oratory may not be

non sit, tamen nihil esse perfecto oratore praeclarius. Nam, ut usum dicendi omittam, qui in omni pacata et libera civitate dominatur, tanta oblectatio est in ipsa facultate dicendi, ut nihil hominum aut auribus, aut
34 mentibus iucundius percipi possit. Qui enim cantus moderata oratione dulcior inveniri potest? Quod carmen artificiosa verborum conclusione aptius? Qui actor imitanda, quam orator suscipienda veritate iucundior? Quid autem subtilius, quam acutae crebraeque sententiae? Quid admirabilius, quam res splendore illustrata verborum? quid plenius, quam omni rerum genere cumulata oratio? Neque ulla non propria oratoris est res, quae quidem ornate dici graviterque debet.

35 IX. Huius est in dando consilio de maximis rebus cum dignitate explicata sententia; eiusdem et languentis populi incitatio, et effrenati moderatio. Eadem facultate et fraus hominum ad perniciem, et integritas ad salutem vocatur. Quis cohortari ad virtutem ardentius, quis a vitiis acrius revocare? Quis vituperare improbos asperius, quis laudare bonos ornatius? Quis cupiditatem vehementius frangere accusando potest? Quis maerorem levare mitius consolando?

one of the arts, still there is nothing more splendid than a complete orator. For to pass over the actual practice of eloquence—that governing force in every tranquil and free community—, there is such a charm about the mere power to deliver a set speech, that no impression more delightful than this can be received by the ear or the intelligence of man.
34 Can any music be composed that is sweeter than a well-balanced speech? Is any poem better rounded than an artistic period in prose? What actor gives keener pleasure by his imitation of real life than your orator affords in his conduct of some real case? Does anything display more exact precision than a rapid succession of pointed reflections? Is there aught more wonderful than the lighting-up of a topic by verbal brilliance, or aught richer than a discourse furnished forth with material of every sort? And there is not a subject that is not the orator's own, provided only that it is one which deserves elegant and impressive treatment.

35 IX. "It is the part of the orator, when advising on affairs of supreme importance, to unfold his opinion as a man having authority: his duty too it is to arouse a listless nation, and to curb its unbridled impetuosity. By one and the same power of eloquence the deceitful among mankind are brought to destruction, and the righteous to deliverance. Who more passionately than the orator can encourage to virtuous conduct, or more zealously than he reclaim from vicious courses? Who can more austerely censure the wicked, or more gracefully praise men of worth? Whose invective can more forcibly subdue the power of lawless desire? Whose comfortable words can soothe grief more tenderly?

Importance of oratory: all subjects require exposition.

36 Historia vero testis temporum, lux veritatis, vita
memoriae, magistra vitae, nuntia vetustatis, qua voce
alia, nisi oratoris, immortalitati commendatur? Nam
si qua est ars alia, quae verborum aut faciendorum
aut legendorum scientiam profiteatur; aut si quis-
quam dicitur nisi orator formare orationem eamque
variare et distinguere quasi quibusdam verborum
sententiarumque insignibus; aut si via ulla, nisi ab
hac una arte, traditur, aut argumentorum, aut sen-
tentiarum, aut denique discriptionis atque ordinis,
fateamur aut hoc, quod haec ars profiteatur, alienum
37 esse aut cum aliqua alia arte esse commune. Sed si
in hac una est ea ratio atque doctrina, non, si qui
aliarum artium bene locuti sunt, eo minus id est
huius unius proprium; sed, ut orator de eis rebus,
quae ceterarum artium sunt, si modo eas cognovit
(ut heri Crassus dicebat), optime potest dicere, sic
ceterarum artium homines ornatius illa sua dicunt, si
38 quid ab hac arte didicerunt. Neque enim si de rusticis
rebus agricola quispiam, aut etiam, id quod multi,
medicus de morbis, aut de pingendo pictor aliquis
diserte dixerit aut scripserit, idcirco illius artis pu-
tanda est eloquentia: in qua quia vis magna est in

[a] *Insignia* are the 'purple patches' of Horace, *A.P.* 15-16.

36 "And as History, which bears witness to the passing
of the ages, sheds light upon reality, gives life to
recollection and guidance to human existence, and
brings tidings of ancient days, whose voice, but the
orator's, can entrust her to immortality? For if
there be any other art, which pretends to skill in the
coinage and choice of language, or if it be claimed
for anyone but the orator that he gives shape and
variety to a speech, and marks it out with[a] high
lights of thought and phrase, or if any method be
taught, except by this single art, for producing proofs
or reflections, or even in the distribution and arrange-
ment of subject-matter, then let us admit that the
skill professed by this art of ours either belongs really
to some other art, or is shared in common with some
37 other. Whereas, if all reasoning and all teaching
really belong to this one art alone, then, even though
professors of other arts have expressed themselves
with success, it does not therefore follow that such
instruction is not the monopoly of this single art;
but (as Crassus was saying yesterday) just as the
orator is best qualified to discuss the subjects per-
taining to the other arts, assuming always that he
has acquainted himself with them, so the masters
of the other arts expound their own topics with
the better grace, if they have learned something
38 from the art with which we are dealing. For even
though some farmer may have written or spoken
with address upon country matters or perhaps a
medical man upon pathology, as many have done,
or a painter upon painting, it does not therefore
follow that eloquence belongs to the particular
art, the truth being that in the art of speaking, by
reason of the vast energy inherent in human intelli-

hominum ingeniis, eo multi etiam sine doctrina aliquid omnium generum atque artium consequuntur. Sed, quid cuiusque sit proprium, etsi ex eo iudicari potest, cum videris, quid quaeque doceat, tamen hoc certius nihil esse potest, quam quod omnes artes aliae sine eloquentia suum munus praestare possunt, orator sine ea nomen obtinere suum non potest: ut ceteri, si diserti sint, aliquid ab hoc habeant, hic nisi domesticis se instruxerit copiis, aliunde dicendi copiam petere non possit.

39 X. Tum Catulus: Etsi, inquit, Antoni, minime impediendus est interpellatione iste cursus orationis tuae, patiere tamen, mihique ignosces. 'Non enim possum quin exclamem,' ut ait ille in Trinummo: ita mihi vim oratoris cum exprimere subtiliter visus es, tum laudare copiosissime. Quod quidem eloquentem vel optime facere oportet, ut eloquentiam laudet; debet enim ad eam laudandam ipsam illam adhibere, quam laudat. Sed perge porro: tibi enim assentior, vestrum esse hoc totum, diserte dicere, idque si quis in alia arte faciat, eum assumpto aliunde uti bono,
40 non proprio, nec suo. Et Crassus: Nox te, inquit, nobis, Antoni, expolivit, hominemque reddidit: nam hesterno sermone, unius cuiusdam operis, ut ait Caecilius, remigem aliquem, aut baiulum, nobis oratorem

[a] Plautus, *Trinummus* iii. 2. 79.

gence, many a man, whatever his class or his calling, attains some degree of proficiency even without any regular training. But, although the peculiar property of each art may be determined by noting what it is which each teaches, there can be nothing more certain than this, that while all other arts are able to discharge their functions unaided by eloquence, the orator cannot even earn his distinctive title without being eloquent; so that the rest of the world, if they be fluent speakers, gain something from him, while he, unless he has equipped himself from his own private store, cannot seek his supplies as a speaker from any other source."

39 X. At this point Catulus interposed, saying, "Antonius, although that flowing discourse of yours should never be checked by interruption, still you will bear with me and forgive me. For, as the man says in *The Threepenny Piece*, 'I cannot help applauding'[a]: so exquisitely, as I think, have you described the power of the orator, and with such wealth of diction have you extolled it. And yet, to be sure, a man of eloquence must needs sing the praises of eloquence better than all others, since he is bound to bring, to the performance of his task, that very gift which he is praising. But pray proceed, for I agree with you that you have this skill in speaking wholly for your own, and that any man discoursing with ability upon any other art does but use an accomplishment borrowed from elsewhere, and one that is not pecu-
40 liar to himself, or even his own." And Crassus added, "A night's rest has smoothed and humanized you, Antonius, from our point of view, for in the course of yesterday's discussion you sketched the orator as a one-talent man, 'Just a galley-slave or porter,' to

descripseras, inopem quemdam humanitatis atque inurbanum.

Tum Antonius : Heri enim, inquit, hoc mihi proposueram, ut, si te refellissem, hos a te discipulos abducerem : nunc, Catulo audiente et Caesare, videor debere non tam pugnare tecum, quam, quid ipse
41 sentiam, dicere. Sequitur igitur, quoniam nobis est hic, de quo loquimur, in foro atque in oculis civium constituendus, ut videamus, quid ei negotii demus, cuique eum muneri velimus esse praepositum. Nam Crassus heri, cum vos, Catule et Caesar, non adessetis, posuit breviter in artis distributione idem, quod Graeci plerique posuerunt, neque sane quid ipse sentiret, sed quid ab illis diceretur, ostendit : duo prima genera quaestionum esse, in quibus eloquentia
42 versaretur, unum infinitum, alterum certum. Infinitum mihi videbatur id dicere, in quo aliquid generatim quaereretur, hoc modo : 'Expetendane esset eloquentia, expetendine honores ?' Certum autem, in quo quid in personis, et in constituta re et definita quaereretur : cuius modi sunt, quae in foro atque in civium causis disceptationibusque versantur.
43 Ea mihi videntur aut in lite oranda, aut in consilio dando esse posita, nam illud tertium, quod et a Crasso tactum est, et, ut audio, ille ipse Aristoteles, qui haec

---

[a] *Remains of Old Latin* (L.C.L.), i. pp. 558-559.
[b] *Rhet.* I. iii. 1.

quote Caecilius[a]; in fact as a fellow destitute of breeding and a mere boor."

"I did," returned Antonius, "for yesterday it was my design, if I should have succeeded in refuting your arguments, to steal these pupils from you ; but to-day, with Catulus and Caesar among my hearers, I think it my duty not so much to fight with you as
41 to enunciate my own personal views. And so, now that we are to have this orator, whom we are discussing, brought into Court and exposed to public scrutiny, our next task is to consider what business we shall assign to him, and what function we would suggest that he has been appointed to discharge. For yesterday, Catulus and Caesar, when you were not here, Crassus made in concise terms, with regard to the classification of this art, the identical statement that most of the Greeks have made, and of course expressed no opinion of his own, but just their affirmations : his proposition being that there are two main divisions of the questions wherewith eloquence is con-
42 cerned, the one abstract, the other concrete. By abstract problems I thought he meant those wherein questions are propounded in general terms, as for instance, 'Is eloquence to be desired ?' 'Should public office be sought ?' The concrete class, by contrast, was composed of such as raise investigations dealing with individual persons and settled and defined points, to which kind belong the issues discussed in Court, and in the judicial proceedings and
43 the disputes between private citizens. The sphere of such oratory is limited, in my view, to the conduct of litigation and to advising, for that third category, just barely noticed by Crassus, and included, as I am told, by Aristotle[b] himself, who has elucidated these

The proper sphere of rhetoric.

maxime illustravit, adiunxit, etiamsi opus est, tamen minus est necessarium. Quidnam? inquit Catulus; an laudationes? id enim video poni genus tertium.

44 XI. Ita, inquit Antonius, et in eo quidem genere scio et me, et omnes qui adfuerunt, delectatos esse vehementer, cum abs te est Popilia, mater vestra, laudata, cui primum mulieri hunc honorem in nostra civitate tributum puto. Sed non omnia, quaecumque loquimur, mihi videntur ad artem et ad praecepta
45 esse revocanda. Ex eis enim fontibus, unde omnia praecepta dicendi sumuntur, licebit etiam laudationem ornare, neque illa elementa desiderare, quae ut nemo tradat, quis est, qui nesciat, quae sint in homine laudanda? Positis enim eis rebus, quas Crassus in illius orationis suae, quam contra collegam censor habuit, principio dixit, 'Quae natura aut fortuna darentur hominibus, in eis rebus se vinci posse animo aequo pati; quae ipsi sibi homines parare possent, in eis rebus se pati non posse vinci': qui laudabit quempiam, intelleget, exponenda sibi esse
46 fortunae bona. Ea sunt, generis, pecuniae, propinquorum, amicorum, opum, valetudinis, formae, virium, ingenii, ceterarumque rerum, quae sunt aut corporis, aut extraneae: si habuerit, bene rebus eis usum; si

[a] *Laudatio* here has its wider sense of any encomiastic speech delivered in public, not necessarily a funeral oration.

matters as clearly as possible, is serviceable enough, but not essential in the same degree." "What kind is that?" said Catulus. "Do you refer to panegyrics?[a] for I notice that these are set down as a third variety."

44 XI. "Precisely so," replied Antonius, "and, with regard to this type of oratory, I know that I myself, and all who were present, were highly delighted when your mother Popilia was eulogized in this fashion by yourself; she being, I think, the first woman to whom such honour was ever rendered in our own community. But to my mind not everything that we say need be reduced to theory and rule. (Panegyric oratory needs no special rules;)
45 For from those same sources, whence the rules of speaking are all derived, we shall also be able to set off a funeral oration without feeling the want of those scholastic rudiments, since, even though no one were to teach these, is there a man who would not know the good points of a human being? In fact, if he has laid down those axioms enunciated by Crassus in the opening of that famous speech of his, which he delivered when censor in opposition to his colleague in office, when he declared, that while he could cheerfully endure inferiority in respect of the gifts bestowed on mankind by nature or by chance, he could not consent to be surpassed in such credit as men may win for themselves, he who proposes to be the panegyrist of anyone will understand that he has in the first place to deal fully with the favours of fortune.
46 These are the advantages of race, wealth, connexions, friendships, power, good health, beauty, vigour, talent, and the rest of the attributes that are either physical or externally imposed: it must be explained that the person commended made a right use of these benefits if he possessed them, managed sensibly

non habuerit, sapienter caruisse; si amiserit, moderate tulisse; deinde, quid sapienter is, quem laudet, quid liberaliter, quid fortiter, quid iuste, quid magnifice, quid pie, quid grate, quid humaniter, quid denique cum aliqua virtute aut fecerit, aut tulerit. Haec, et quae sunt eius generis, facile videbit, qui volet laudare; et qui vituperare, contraria.

47 Cur igitur dubitas, inquit Catulus, facere hoc tertium genus, quoniam est in ratione rerum? Non enim, si est facilius, eo de numero quoque est excerpendum. Quia nolo, inquit, omnia, quae cadunt aliquando in oratorem, quamvis exigua sint, ea sic tractare, quasi nihil possit dici sine praeceptis suis.

48 Nam et testimonium saepe dicendum est, ac nonnunquam etiam accuratius, ut mihi etiam necesse fuit in Sex. Titium, seditiosum civem et turbulentum. Explicavi in eo testimonio dicendo, omnia consilia consulatus mei, quibus illi tribuno plebis pro republica restitissem, quaeque ab eo contra rempublicam facta arbitrarer, exposui. Diu retentus sum, multa audivi, multa respondi. Num igitur placet, cum de eloquentia praecipias, aliquid etiam de testimoniis

without them, if they were denied to him, and bore the loss with resignation, if they were taken away from him; and after that the speaker will marshal instances of conduct, either active or passive, on the part of the subject of his praises; whereby he manifested wisdom, generosity, valour, righteousness, greatness of soul, sense of duty, gratitude, kindliness or, in short, any moral excellence you please. These and similar indications of character the would-be panegyrist will readily discern, and he who seeks to disparage will as readily find evidence in rebuttal."

47 "Why then hesitate," interposed Catulus, "to regard this as a third kind, since its existence is inherent in the nature of the case? For the fact of its being easier of accomplishment is no reason for eliminating it from the classification." "My reason," replied the other, "is that I do not wish to handle all matters, however petty, that at one time or another fall under oratorical treatment, upon the footing that nothing can be mentioned without reference to its

48 own special rules. For instance, evidence has often to be given, and, upon occasions, with precision even closer than usual, as I myself was compelled to give it against Sextus Titius, a factious and troublesome member of the community. In the course of such evidence I revealed all the measures whereby, in defence of the State, I as consul had withstood him in his character of tribune of the commons, and I laid bare every proceeding of his that I considered inimical to the public benefit. I was long obstructed, had to listen to a great deal, and replied to many objections. But do you on that account think it fitting, when laying down rules of rhetoric, to add any teaching on how to give evidence, as though this came within the

dicendis, quasi in arte tradere? Nihil sane, inquit Catulus, necesse est.

49 XII. Quid? si quod saepe summis viris accidit mandata sint exponenda, aut in senatu ab imperatore, aut ad imperatorem, aut ad regem, aut ad populum aliquem a senatu, num quia genere orationis in eiusmodi causis accuratiore est utendum, idcirco pars etiam haec causarum numeranda videtur, aut propriis praeceptis instruenda? Minime vero, inquit Catulus: non enim deerit homini diserto in eiusmodi rebus facultas, ex ceteris rebus et causis comparata.

50 Ergo item, inquit, illa, quae saepe diserte agenda sunt, et quae ego paulo ante cum eloquentiam laudarem dixi oratoris esse, neque habent suum locum ullum in divisione partium, neque certum praeceptorum genus, et agenda sunt non minus diserte, quam quae in lite dicuntur, obiurgatio, cohortatio, consolatio: quorum nihil est, quod non summa dicendi ornamenta desideret; sed ex artificio res istae praecepta non quaerunt. Plane, inquit Catulus, assentior.

51 Age vero, inquit Antonius, qualis oratoris, et quanti hominis in dicendo, putas esse, historiam scribere? Si, ut Graeci scripserunt, summi, inquit Catulus; si, ut nostri, nihil opus est oratore: satis

sphere of the art?" Catulus answered, "There is no need whatever to do so."

49 XII. "And what if (as often happens to the most exalted personages) messages have to be communicated from a general at a meeting of the Senate, or conveyed from the Senate to a general or to any prince or nation? Because, on occasions of this sort, a style of diction more elaborate than the ordinary has to be employed, does it therefore seem to follow that this type of speaking should be accounted a distinct department of oratorical activity, or should be fitted out with its own peculiar rules?" "Why of course not," returned Catulus, "since the ability acquired by a ready speaker, from the treatment of his other subjects and topics, will not fail him in situations of that description." nor do official dispatches,

50 "And so," continued Antonius, "those matters which often demand fluent expression, and which just now, in my praise of eloquence, I asserted to be within the part of the orator, have no special place in the formal classification of the branches of rhetoric, nor any particular code of rules, and yet they must be handled quite as skilfully as arguments at the Bar: I am speaking of rebuke, encouragement, and the giving of comfort, each of which topics calls for the finest graces of diction, while such subjects ask no directions from theory." "I am in complete agreement with you," said Catulus.

51 "Now further," proceeded Antonius, "what class of orator, and how great a master of language is qualified, in your opinion, to write history?" "If he is to write as the Greeks have written," answered Catulus, "a man of supreme ability is required: if the standard is to be that of our own fellow-country- nor history.

est, non esse mendacem. Atqui, ne nostros con-
temnas, inquit Antonius, Graeci quoque sic initio
52 scriptitarunt, ut noster Cato, ut Pictor, ut Piso. Erat
enim historia nihil aliud nisi annalium confectio, cuius
rei, memoriaeque publicae retinendae causa, ab
initio rerum Romanarum usque ad P. Mucium ponti-
ficem maximum, res omnes singulorum annorum
mandabat litteris pontifex maximus, referebatque in
album, et proponebat tabulam domi, potestas ut
esset populo cognoscendi, hique etiam nunc Annales
53 Maximi nominantur. Hanc similitudinem scribendi
multi secuti sunt, qui sine ullis ornamentis monu-
menta solum temporum, hominum, locorum ges-
tarumque rerum reliquerunt. Itaque qualis apud
Graecos Pherecydes, Hellanicus, Acusilas fuit, aliique
permulti, talis noster Cato, et Pictor, et Piso, qui
neque tenent, quibus rebus ornetur oratio—modo
enim huc ista sunt importata,—et, dum intellegatur,
quid dicant, unam dicendi laudem putant esse
54 brevitatem. Paulum se erexit, et addidit historiae
maiorem sonum vocis vir optimus, Crassi familiaris,
Antipater: ceteri non exornatores rerum, sed
tantummodo narratores fuerunt.

XIII. Est, inquit Catulus, ut dicis. Sed iste ipse
Coelius neque distinxit historiam varietate locorum,
neque verborum collocatione et tractu orationis leni

men, no orator at all is needed; it is enough that
the man should not be a liar." "But nevertheless,"
rejoined Antonius, "(and I say this, that you may
not think lightly of our own folk) the Greeks them-
selves also used to write, in the beginning, just like
52 our Cato, Pictor and Piso. For history began as a
mere compilation of annals, on which account, and
in order to preserve the general traditions, from the
earliest period of the City down to the pontificate of
Publius Mucius, each High Priest used to commit to
writing all the events of his year of office, and record
them on a white surface, and post up the tablet at his
house, that all men might have liberty to acquaint
themselves therewith, and to this day those records
53 are known as the Pontifical Chronicles. A similar
style of writing has been adopted by many who, with-
out any rhetorical ornament, have left behind them
bare records of dates, personalities, places and events.
In this sense Pherecydes, Hellanicus, Acusilas, and
very many others among the Greeks, correspond to
our own Cato, Pictor and Piso, who do not understand
the adornment of composition—since it is only of
late that decoration of that sort has been brought
into this country—and, so long as their narrative is
understood, regard conciseness as the historian's
54 single merit. Antipater, an admirable man and a
close friend of Crassus, raised his crest a little higher,
and imparted to history a richer tone: the rest did
not embellish their facts, but were chroniclers and
nothing more."

XIII. "It is as you say," rejoined Catulus. "But
even your friend Coelius did not set off his narrative
with any diversity of reflections, or give finish to his
famous work by his marshalling of words and a

et aequabili perpolivit illud opus; sed ut homo neque doctus, neque maxime aptus ad dicendum, sicut potuit, dolavit: vicit tamen, ut dicis, superiores.

55 Minime mirum, inquit Antonius, si ista res adhuc nostra lingua illustrata non est. Nemo enim studet eloquentiae nostrorum hominum, nisi ut in causis atque in foro eluceat; apud Graecos autem eloquentissimi homines, remoti a causis forensibus, cum ad ceteras res illustres, tum ad scribendam historiam maxime se applicaverunt. Namque et Herodotum illum, qui princeps genus hoc ornavit, in causis nihil omnino versatum esse accepimus: atqui tanta est eloquentia, ut me quidem, quantum ego Graece scripta intellegere possum, magnopere de-
56 lectet. Et post illum Thucydides omnes dicendi artificio, mea sententia, facile vicit: qui ita creber est rerum frequentia, ut verborum prope numerum sententiarum numero consequatur, ita porro verbis est aptus et pressus, ut nescias, utrum res oratione, an verba sententiis illustrentur. Atqui ne hunc quidem, quanquam est in republica versatus, ex numero accepimus eorum, qui causas dictitarunt: et hos ipsos libros tum scripsisse dicitur, cum a republica remotus, atque, id quod optimo cuique Athenis ac-
57 cidere solitum est, in exsilium pulsus esset. Hunc consecutus est Syracusius Philistus, qui, cum Dionysii tyranni familiarissimus esset, otium suum consumpsit in historia scribenda, maximeque Thucy-

smooth and unvarying flow of style, but he rough-hewed it as best he could, like a man who was no scholar and had no special turn for rhetoric: nevertheless, as you observe, he excelled his forerunners."

The great Greek historians reviewed.

55 "No wonder," returned Antonius, "if this subject has never yet been brilliantly treated in our language. For not one of our own folk seeks after eloquence, save with an eye to its display at the Bar and in public speaking, whereas in Greece the most eloquent were strangers to forensic advocacy, and applied themselves chiefly to reputable studies in general, and particularly to writing history. Indeed even of renowned Herodotus, who first imparted distinction to such work, we have heard that he was in no way concerned with lawsuits, and yet his eloquence is of such quality as to afford intense pleasure, to myself at any rate, so far as I can comprehend what
56 is written in Greek. After his day Thucydides, in my judgement, easily surpassed all others in dexterity of composition: so abounding is he in fullness of material that in the number of his ideas he well-nigh equals the number of his words, and furthermore he is so exact and clear in expression that you cannot tell whether it be the narrative that gains illumination from the style, or the diction from the thought. Yet even of him, though a man of public affairs, we are not told that he was numbered among forensic speakers; and it is related that when writing the volumes in question, he was far away from civic life, having in fact been driven into exile, as generally
57 happened at Athens to anyone of excellence. He was succeeded by Philistus of Syracuse, who, living in the closest intimacy with the tyrant Dionysius, spent his leisure in writing history and, to my

didem est, sicut mihi videtur, imitatus. Postea vero, rhetorum ex clarissima quasi officina, duo praestantes ingenio, Theopompus et Ephorus, ab Isocrate magistro impulsi, se ad historiam contulerunt; causas omnino nunquam attigerunt.

58 XIV. Denique etiam a philosophia profectus princeps Xenophon, Socraticus ille, post ab Aristotele Callisthenes, comes Alexandri, scripsit historiam, et is quidem rhetorico paene more; ille autem superior leniore quodam sono est usus, et qui illum impetum oratoris non habeat, vehemens fortasse minus, sed aliquanto tamen est, ut mihi quidem videtur, dulcior. Minimus natu horum omnium Timaeus, quantum autem iudicare possum, longe eruditissimus, et rerum copia et sententiarum varietate abundantissimus, et ipsa compositione verborum non impolitus, magnam eloquentiam ad scribendum attulit, sed nullum usum forensem.

59 Haec cum ille dixisset: Quid est, inquit, Catule? Caesar; ubi sunt, qui Antonium Graece negant scire? Quot historicos nominavit! Quam scienter! quam proprie de unoquoque dixit! Id mehercule, inquit Catulus, admirans, illud iam mirari desino, quod multo magis ante mirabar, hunc, cum haec nesciret, in dicendo posse tantum. Atqui, Catule, inquit Antonius, non ego utilitatem aliquam ad di-

[a] *i.e.* Greece.

thinking, was above all else an imitator of Thucydides. Afterwards, however, from what I may call that most famous factory of rhetoricians,[a] there issued a pair of outstanding talent in Theopompus and Ephorus, who betook themselves to history at the instance of their teacher Isocrates: lawsuits they never handled at all.

58 XIV. "And at length historians appeared who had begun as philosophers, first Xenophon, that notable follower of Socrates, afterwards Callisthenes, Aristotle's disciple and Alexander's familiar friend; the latter approaching the rhetorical in method, while his predecessor adopted a gentler kind of tone, lacking the characteristic vigour of oratory and possibly less animated but, in my view at any rate, somewhat more pleasing. Timaeus, the latest-born of all these, but as well as I can judge, by far the best informed, the most amply endowed in wealth of material and range of thought, and a man whose very style had some polish, brought to authorship abounding eloquence but no experience of public speaking."

59 When Antonius had finished Caesar exclaimed, "What now, Catulus? Where are those who say Antonius does not know the Greek tongue? What a number of historians he has mentioned! With what insight and discrimination he has described every one!" "Upon my word," returned Catulus, "in my astonishment at this I marvel no longer at something which hitherto surprised me far more, I mean that our friend here, being all unversed in these matters, could speak so effectively." "And yet, Catulus," rejoined Antonius, "it is not because I am on the look-out for aids to oratory, but just for

cendum aucupans, horum libros et nonnullos alios, sed delectationis causa, cum est otium, legere soleo.

60 Quid ergo? Est, fatebor, aliquid tamen: ut, cum in sole ambulem, etiamsi aliam ob causam ambulem, fieri natura tamen, ut colorer: sic, cum istos libros ad Misenum (nam Romae vix licet) studiosius legerim, sentio illorum tactu orationem meam quasi colorari. Sed ne latius hoc vobis patere videatur, haec duntaxat in Graecis intellego, quae ipsi, qui
61 scripserunt, voluerunt vulgo intellegi. In philosophos vestros si quando incidi, deceptus indicibus librorum, quod sunt fere inscripti de rebus notis et illustribus, de virtute, de iustitia, de honestate, de voluptate, verbum prorsus nullum intellego: ita sunt angustis et concisis disputationibus illigati. Poetas omnino, quasi alia quadam lingua locutos, non conor attingere: cum his me (ut dixi) oblecto, qui res gestas, aut qui orationes scripserunt suas, aut qui ita loquuntur, ut videantur voluisse nobis, qui non sumus eruditissimi, esse familiares. Sed illuc redeo.

62 XV. Videtisne, quantum munus sit oratoris historia? Haud scio, an flumine orationis et varietate maximum. Neque tamen eam reperio usquam separatim instructam rhetorum praeceptis: sita sunt enim ante oculos. Nam quis nescit, primam esse

pleasure, that I make a habit, when I have time, of reading the works of these authors and a few more.

60 To what purpose then? Well, I will own to some benefit: just as, when walking in the sunshine, though perhaps taking the stroll for a different reason, the natural result is that I get sunburnt, even so, after perusing those books rather closely at Misenum (having little chance in Rome), I find that under their influence my discourse takes on what I may call a new complexion. However,—not to let you think this claim too extravagant—I understand no more of Greek literature than its authors themselves intended to be understood by the multi-
61 tude. Whenever I light upon your philosophers, cheated by the titles of their books, which commonly bear headings descriptive of well-known and obvious subjects, such as virtue, justice, integrity or pleasure, I do not comprehend a single word, so inextricably are they entangled in closely reasoned and condensed dialectic. Your poets, speaking as they do an altogether different tongue, I do not attempt to handle at all: I divert myself (as I said) in the company of those who have written the story of events, or speeches delivered by themselves, or whose style suggests their wish to be accessible to us men of no very profound learning. But I return to my argument.

The systems of rhetoric contain no rules of style for history,

62 XV. "Do you see how great a responsibility the orator has in historical writing? I rather think that for fluency and diversity of diction it comes first. Yet nowhere do I find this art supplied with any independent directions from the rhetoricians; indeed its rules lie open to the view. For who does not know history's first law to be that an author must

historiae legem, ne quid falsi dicere audeat? Deinde ne quid veri non audeat? Ne qua suspicio gratiae
63 sit in scribendo? Ne qua simultatis? Haec scilicet fundamenta nota sunt omnibus; ipsa autem exaedificatio posita est in rebus et verbis. Rerum ratio ordinem temporum desiderat, regionum descriptionem; vult etiam, quoniam in rebus magnis memoriaque dignis consilia primum, deinde acta, postea eventus expectentur, et de consiliis significari quid scriptor probet, et in rebus gestis declarari, non solum quid actum aut dictum sit, sed etiam quomodo; et cum de eventu dicatur, ut causae explicentur omnes, vel casus, vel sapientiae, vel temeritatis, hominumque ipsorum non solum res gestae, sed etiam, qui fama ac nomine excellant, de cuiusque vita atque natura.
64 Verborum autem ratio et genus orationis fusum atque tractum, et cum lenitate quadam aequabili profluens, sine hac iudiciali asperitate, et sine sententiarum forensium aculeis persequendum est. Harum tot tantarumque rerum videtisne ulla esse praecepta, quae in artibus rhetorum reperiantur?

In eodem silentio multa alia oratorum officia iacuerunt, cohortationes, consolationes, praecepta, admonita: quae tractanda sunt omnia disertissime; sed locum suum in his artibus, quae traditae sunt,
65 habent nullum. Atque in hoc genere illa quoque est

not dare to tell anything but the truth? And its second that he must make bold to tell the whole truth? That there must be no suggestion of partiality anywhere in his writings? Nor of malice?
63 This groundwork of course is familiar to every one; the completed structure however rests upon the story and the diction. The nature of the subject needs chronological arrangement and geographical representation: and since, in reading of important affairs worth recording, the plans of campaign, the executive actions and the results are successively looked for, it calls also, as regards such plans, for some intimation of what the writer approves, and, in the narrative of achievement, not only for a statement of what was done or said, but also of the manner of doing or saying it; and, in the estimate of consequences, for an exposition of all contributory causes, whether originating in accident, discretion or foolhardiness; and, as for the individual actors, besides an account of their exploits, it demands particulars of the lives and characters of such as are outstanding
64 in renown and dignity. Then again the kind of language and type of style to be followed are the easy and the flowing, which run their course with unvarying current and a certain placidity, avoiding alike the rough speech we use in Court and the advocate's stinging epigrams. Upon all these numerous and important points, do you observe that any directions are to be found in the rhetoricians' systems?

nor for handling abstract topics.

"In a like silence have languished many other duties of the orator, those of encouraging, comforting, teaching and warning, all worthy of most eloquent treatment, yet having no place of their own in those
65 systems hitherto propounded. In this region also

infinita silva, quod oratori plerique, ut etiam Crassus ostendit, duo genera ad dicendum dederunt: unum, de certa definitaque causa, quales sunt, quae in litibus, quae in deliberationibus versantur, addat, si quis volet, etiam laudationes: alterum, quod appellant omnes fere scriptores, explicat nemo, infinitam generis, sine tempore, et sine persona, quaestionem.

66 Hoc quid et quantum sit, cum dicunt, intellegere mihi non videntur. Si enim est oratoris, quaecumque res infinite posita sit, de ea posse dicere, dicendum erit ei, quanta sit solis magnitudo, quae forma terrae: de mathematicis, de musicis rebus non poterit, quin dicat, hoc onere suscepto, recusare. Denique ei, qui profitetur esse suum, non solum de eis controversiis, quae temporibus et personis notatae sunt, hoc est, de omnibus forensibus, sed etiam de generum infinitis quaestionibus dicere, nullum potest esse genus orationis, quod sit exceptum.

67 XVI. Sed si illam quoque partem quaestionum oratori volumus adiungere vagam, et liberam, et late patentem, ut de rebus bonis aut malis, expetendis aut fugiendis, honestis aut turpibus, utilibus aut inutilibus, de virtute, de iustitia, de continentia, de prudentia, de magnitudine animi, de liberalitate, de pietate, de amicitia, de fide, de officio, de ceteris virtutibus contrariisque vitiis, dicendum oratori putemus; itemque de republica, de imperio, de re militari, de disciplina civitatis, de hominum moribus: assumamus eam quoque partem, sed ita, ut sit cir-

there lies a boundless forest of topics: because (as Crassus too has shown) most writers have assigned to the orator two kinds of subject to talk upon, the one concerned with what is specific and determinate, such as the matters handled in lawsuits and consultations,—to which he who will may add panegyrics—; the other spoken of by nearly every writer,—though explained by none—, as the abstract sort of inquiry,

66 unrelated to times or persons. When discussing this kind they do not seem to me to grasp its nature and range. For if it be an orator's part to be able to speak on any subject whatever that is laid before him in general terms, he will have to discuss the size of the sun and the contour of the earth; and after undertaking this duty he will not be able to refuse to handle mathematics or the cult of the Muses. In a word, for the man who claims the right to speak, not only on problems identified with specific times and persons (that is, on all judicial issues), but also on propositions of an abstract character, there can be no sort of debate which he can decline.

67 XVI. "But if we would connect with the orator that indeterminate, unrestricted and far-extending sort of investigation, and so think it his duty to discuss good and evil, things to be preferred and things to be shunned, fair repute and infamy, the useful and the unuseful, besides moral perfection, righteousness, self-control, discretion, greatness of soul, generosity, loyalty, friendship, good faith, sense of duty and the rest of the virtues and their corresponding vices, as well as the State, sovereignty, warlike operations, political science and the ways of mankind—then let us take up that kind of inquiry also, but only on condition that it be confined within

Treatment of these can be left to tact.

68 cumscripta modicis regionibus. Equidem omnia, quae pertinent ad usum civium, morem hominum, quae versantur in consuetudine vitae, in ratione reipublicae, in hac societate civili, in sensu hominum communi, in natura, in moribus, comprehendenda esse oratori puto ; si minus, ut separatim de his rebus philosophorum more respondeat, at certe, ut in causa prudenter possit intexere : hisce autem ipsis de rebus ut ita loquatur, ut ei, qui iura, qui leges, qui civitates constituerunt, locuti sunt, simpliciter et splendide, sine ulla serie disputationum, et sine ieiuna concertatione verborum.

69 Hoc loco, ne qua sit admiratio, si tot tantarumque rerum nulla a me praecepta ponentur, sic statuo : Ut in ceteris artibus, cum tradita sint cuiusque artis difficillima, reliqua, quia aut faciliora, aut similia sint, tradi non necesse esse ; ut in pictura, qui hominis speciem pingere perdidicerit, posse eum cuiusvis vel formae, vel aetatis, etiamsi non didicerit, pingere neque esse periculum, qui leonem aut taurum pingat egregie, ne idem in multis aliis quadrupedibus facere non possit (neque est omnino ars ulla, in qua omnia, quae illa arte effici possunt, a doctore tradantur, sed qui primarum et certarum rerum genera ipsa didicerunt, reliqua non incommode per se asse-
70 quuntur) : similiter arbitror in hac sive ratione, sive exercitatione dicendi, qui illam vim adeptus sit, ut eorum mentes, qui aut de republica, aut de ipsis

68 reasonable limits. Of course I hold that all things relating to the intercourse of fellow-citizens and the ways of mankind, or concerned with everyday life, the political system, our own corporate society, the common sentiments of humanity, natural inclinations and morals must be mastered by the orator ; if not in the sense that he is to advise on these matters one by one, as the philosophers do, yet so far at least as to enable him to weave them skilfully into his discourse, and moreover to speak of these very things in the same way as the founders of rules of law, statutes and civil communities spoke, frankly and lucidly, with no formal train of argument or barren verbal controversy.

69 " And here, to prevent any surprise at my omitting to lay down any regulations on so many highly important subjects, I make this declaration : ' Just as in the other arts, when the hardest portions of each have been taught, the rest, through being either easier or just like the former, call for no teaching ; as in painting, for instance, he who has thoroughly learned how to paint the semblance of a man, can without further lessons paint one of any figure or time of life, nor is there any danger that he, who would paint to admiration a lion or bull, will be unable to do the like with many other four-footed animals (there being no art whatever wherein all its possibilities require professorial teaching, since those who have rightly learned the general principles of fundamental and established things attain the rest
70 without difficulty and unaided) ; even so I hold that in this oratory, be it an art or the outcome of practice, he who has acquired such power as to be able to sway at his pleasure the minds of hearers

rebus, aut de eis, contra quos aut pro quibus dicat, cum aliqua statuendi potestate audiant, ad suum arbitrium movere possit, illum de toto illo genere reliquarum orationum non plus quaesiturum esse, quid dicat, quam Polyclitum illum cum Herculem fingebat, quemadmodum pellem aut hydram fingeret, etiamsi haec nunquam separatim facere didicisset.

71 XVII. Tum Catulus: Praeclare mihi videris, Antoni, posuisse, inquit, ante oculos, quid discere oporteret eum, qui orator esset futurus, quid etiam, si non didicisset, ex eo, quod didicisset, assumeret: deduxisti enim totum hominem in duo genera solum causarum; cetera innumerabilia exercitationi et similitudini reliquisti. Sed videto, ne in istis duobus generibus hydra tibi sit et pellis, Hercules autem, et alia opera maiora, in illis rebus, quas praetermittis, relinquantur. Non enim mihi minus operis videtur de universis generibus rerum, quam de singulorum causis, ac multo etiam maius de natura deorum, quam
72 de hominum litibus dicere. Non est ita, inquit Antonius. Dicam enim tibi, Catule, non tam doctus, quam, id quod est maius, expertus. Omnium ceterarum rerum oratio, mihi crede, ludus est homini non hebeti, neque inexercitato, neque communium litterarum et politioris humanitatis experti. In causarum contentionibus magnum est quoddam opus, atque haud sciam, an de humanis operibus longe maximum: in quibus vis oratoris plerumque ab im-

[a] *i.e.* concrete and abstract problems.

invested with authority to determine some issue concerning the State, or questions of fact, or the parties whom he may be attacking or defending, will on any other oratorical topic whatever be no more at a loss for words than famous Polyclitus, when modelling his "Hercules," was at a loss how to model the wild beast's skin or the water-serpent, even though he had never been taught to fashion these subjects in isolation.'"

71 XVII. Here Catulus interposed: "Antonius, I think you have admirably set before us what the would-be orator ought to learn, as well as what he would absorb from his learning even without independent study: for you have restricted the whole man to just two kinds of subject,[a] leaving the countless other matters to practice and analogy. But please see that you do not include the water-serpent and wild beast's skin in your two kinds, and leave the 'Hercules' and other more important work among the things you pass over. For it seems to me just as difficult to discuss the abstract types of things as the concerns of individuals, and even far more difficult to discuss the nature of the gods than the legal squabbles
72 of men." "Not so," answered Antonius. "For to you, Catulus, I will speak as one having less learning than experience, which is the bigger thing. To discourse on any other topic, take my word for it, is but pastime to a man who is no dullard and has had some training and is not unacquainted with general literature and a tolerably polite education. But the battles of the law-courts involve really great difficulty and, I rather think, by far the most arduous of human enterprises; for here ignorant people commonly judge an orator's power by the test of a

Forensic oratory the most difficult.

peritis exitu et victoria iudicatur; ubi adest armatus adversarius, qui sit et feriendus et repellendus; ubi saepe is, qui rei dominus futurus est, alienus atque iratus, aut etiam amicus adversario et inimicus tibi est; cum aut docendus is est, aut dedocendus, aut reprimendus, aut incitandus, aut omni ratione ad tempus, ad causam oratione moderandus; in quo saepe benevolentia ad odium, odium autem ad benevolentiam deducendum est; aut tanquam machinatione aliqua, tum ad severitatem, tum ad remissionem animi, tum ad tristitiam, tum ad laetitiam est contorquendus. Omnium sententiarum gravitate, omnium
73 verborum ponderibus est utendum. Accedat oportet actio varia, vehemens, plena animi, plena spiritus, plena doloris, plena veritatis. In his operibus si quis illam artem comprehenderit, ut tanquam Phidias Minervae signum efficere possit, non sane, quemadmodum ut in clipeo idem artifex minora illa opera facere discat, laborabit.

74 XVIII. Tum Catulus: Quo ista maiora ac mirabiliora fecisti, eo me maior exspectatio tenet quibusnam rationibus quibusque praeceptis ea tanta vis comparetur: non quo mea quidem iam intersit—neque enim aetas id mea desiderat et aliud quoddam genus dicendi nos secuti sumus, qui nunquam sententias de manibus iudicum vi quadam orationis extorsimus, ac potius placatis eorum animis, tantum, quantum ipsi patiebantur, accepimus—, sed tamen ista tua nullum

triumphant result, and a panoplied antagonist confronts you who must be smitten as well as countered, and often he who is to adjudge the victory is ill-disposed and angry or even friendly to the other side while hostile to yourself, when he has to be convinced or undeceived, or reined back or spurred on, or managed by eloquent suggestion of every consideration befitting the occasion or the circumstances (in which process goodwill has often to be transmuted into hatred and hatred into goodwill), or he must be alternately swung round, as though by some machinery, to hardness and to gentleness of heart, to melancholy and to gaiety. Every impressive reflec-
73 tion, every weighty word must be employed. There must be added a delivery that is free from monotony and forceful and rich in energy, animation, pathos and reality. In such labours, if any man shall have so firmly grasped this art as to be able to produce a statue of Minerva, in the manner of Phidias, assuredly he will have no trouble in learning how to carry out the lesser details, as that same Master did, upon the shield."

Theory not based on experience unless in practice.

74 XVIII. To this Catulus rejoined: "The greater and more marvellous you make out these achievements to be, the greater longing possesses me to know the methods or instructions whereby so mighty a power is to be acquired: not indeed that I am now personally affected,—for a man of my years is in no want of it, and my generation pursued a rather different style of oratory, in that we never wrested our verdicts from the grasp of the tribunals by any special force of eloquence, but rather had them presented to us, after conciliating the feelings of the members just so far as they themselves would permit,—but none

ad usum meum, tantum cognoscendi studio adductus,
75 requiro. Nec mihi opus est Graeco aliquo doctore, qui mihi pervulgata praecepta decantet, cum ipse nunquam forum, nunquam ullum iudicium aspexerit: ut Peripateticus ille dicitur Phormio, cum Hannibal Carthagine expulsus Ephesum ad Antiochum venisset exsul, proque eo, quod eius nomen erat magna apud omnes gloria, invitatus esset ab hospitibus suis, ut eum, quem dixi, si vellet, audiret; cumque is se non nolle dixisset, locutus esse dicitur homo copiosus aliquot horas de imperatoris officio, et de omni re militari. Tum, cum ceteri, qui illum audierant, vehementer essent delectati, quaerebant ab Hannibale, quidnam ipse de illo philosopho iudicaret; hic Poenus non optime Graece, sed tamen libere respondisse fertur, multos se deliros senes saepe vidisse, sed qui magis
76 quam Phormio deliraret, vidisse neminem. Neque mehercule iniuria; quid enim aut arrogantius, aut loquacius fieri potuit, quam Hannibali, qui tot annis de imperio cum populo Romano, omnium gentium victore, certasset, Graecum hominem, qui nunquam hostem, nunquam castra vidisset, nunquam denique minimam partem ullius publici muneris attigisset, praecepta de re militari dare? Hoc mihi facere omnes isti, qui de arte dicendi praecipiunt, videntur: quod enim ipsi experti non sunt, id docent ceteros. Sed hoc minus fortasse errant, quod non te, ut Hannibalem, sed pueros, aut adolescentulos docere conantur.

the less I am asking for these secrets of yours, not for my own use but prompted solely by love of knowledge.
75 Nor do I need any Greek professor to chant at me a series of hackneyed axioms, when he himself never had a glimpse of a law-court or judicial proceeding, as the tale goes of Phormio the well-known Peripatetic; for when Hannibal, banished from Carthage, had come in exile to Antiochus at Ephesus and, inasmuch as his name was highly honoured all the world over, had been invited by his hosts to hear the philosopher in question, if he so pleased, and he had intimated his willingness to do so, that wordy individual is said to have held forth for several hours upon the functions of a commander-in-chief and military matters in general. Then, when the other listeners, vastly delighted, asked Hannibal for his opinion of the eminent teacher, the Carthaginian is reported to have thereupon replied, in no very good Greek, but at any rate candidly, that time and again he had seen many old madmen but never one madder
76 than Phormio. And upon my word he was right, for what better example of prating insolence could there be than for a Greek, who had never seen a foeman or a camp, or even had the slightest connexion with any public employment, to lecture on military matters to Hannibal, who all those years had been disputing empire with the Roman people, the conquerors of the world? Just so do all those seem to me to behave who lay down rules for the art of speaking, for they are for teaching others a thing with which they themselves are unacquainted. But possibly their blunder is the less serious, in that they do not try to instruct yourself, as Phormio did Hannibal, but only boys or very young men."

77 XIX. Erras, Catule, inquit Antonius: nam egomet in multos iam Phormiones incidi. Quis enim est istorum Graecorum, qui quemquam nostrum quidquam intellegere arbitretur? Ac mihi quidem non ita molesti sunt; facile omnes perpetior et perfero. Nam aut aliquid afferunt, quod mihi non displiceat, aut efficiunt, ut me non didicisse minus poeniteat. Dimitto autem eos non tam contumeliose quam philosophum illum Hannibal, et eo fortasse plus habeo etiam negotii; sed tamen est eorum doctrina,
78 quantum ego iudicare possum, perridicula. Dividunt enim totam rem in duas partes, in causae controversiam, et in quaestionis. Causam appellant, rem positam in disceptatione reorum et controversia; quaestionem autem, rem positam in infinita dubitatione. De causa praecepta dant; de altera parte
79 dicendi mirum silentium est. Denique quinque faciunt quasi membra eloquentiae, invenire quid dicas, inventa disponere, deinde ornare verbis, post memoriae mandare, tum ad extremum agere ac pronuntiare: rem sane non reconditam. Quis enim hoc non sua sponte viderit, neminem posse dicere, nisi et quid diceret, et quibus verbis, et quo ordine diceret, haberet, et ea meminisset? Atque haec ego non reprehendo, sed ante oculos posita esse dico, ut eas item quatuor, quinque, sexve partes, vel etiam septem, quoniam aliter ab aliis digeruntur, in quas est
80 ab his omnis oratio distributa. Iubent enim exordiri ita, ut eum, qui audiat, benevolum nobis faciamus, et

Some rules of rhetoric superfluous or misleading.

77 XIX. "You are mistaken, Catulus," answered Antonius, "for I myself ere now have fallen in with many a Phormio. Is there in fact a man among those Greeks who would credit one of us with understanding anything? Not that they worry me so much; I gladly suffer and bear with them all. For they either contribute to my amusement, or contrive to soften my regret at not having been a student. And I send them on their ways less contemptuously than Hannibal sent his philosopher, and for that reason perhaps I have even more trouble with them; their theory however, so far as I can judge, is utterly
78 ludicrous. For they divide the whole subject into two branches—the discussion of concrete and of abstract problems. By the concrete they mean a question in debate and dispute between litigants, by the abstract something involved in boundless uncertainty. For the treatment of the concrete they lay down rules; as to the other branch of
79 oratory their silence is remarkable. After that they set forth a sort of fivefold division of rhetoric, to choose what to say, to marshal the chosen material, next to express it elegantly, then to commit it to memory, and in the end actually to deliver it—assuredly no mysterious progress. For who would not instinctively realize that no one can make a speech without having settled what to say, and in what terms and sequence, and without remembering all this? And without complaining of this classification I say it is one that is obvious, as also are those four, five, six or even seven subdivisions (for different authorities adopt different analyses) into which these people
80 distribute every speech. For they bid us open in such a way as to win the goodwill of the listener and

docilem et attentum, deinde rem narrare et ita, ut
verisimilis narratio sit, ut aperta, ut brevis; post
autem dividere causam, aut proponere; nostra con-
firmare argumentis ac rationibus; deinde contraria
refutare: tum autem alii conclusionem orationis, et
quasi perorationem collocant, alii iubent, antequam
peroretur, ornandi aut augendi causa, digredi deinde
81 concludere ac perorare. Ne haec quidem repre-
hendo: sunt enim concinne distributa; sed tamen,
id quod necesse fuit hominibus expertibus veritatis,
non perite. Quae enim praecepta principiorum et
narrationum esse voluerunt, ea in totis orationibus
82 sunt conservanda. Nam ego mihi benevolum iudicem
facilius facere possum cum sum in cursu orationis, quam
cum omnia sunt inaudita; docilem autem, non cum
polliceor me demonstraturum, sed tum, cum doceo
et explano: attentum vero, tota actione, non prima de-
83 nuntiatione efficere possumus. Iam vero narrationem
quod iubent verisimilem esse et apertam, et brevem,
recte nos admonent; quod haec narrationis magis
putant esse propria quam totius orationis, valde mihi
videntur errare: omninoque in hoc omnis est error,
quod existimant, artificium esse hoc quoddam non
dissimile ceterorum, cuiusmodi de ipso iure civili
hesterno die Crassus componi posse dicebat: ut
genera rerum primum exponerentur, in quo vitium
est, si genus ullum praetermittatur; deinde singu-
lorum partes generum, in quo et deesse aliquam

make him receptive and attentive; then in stating
the case to make our statement plausible, lucid and
brief; after that to dissect or define the matter in
hand, establishing our own propositions by evidence
and reasonings before disproving those of the other
side: some masters place next the summing-up of
the address and the so-called peroration, while others
require, before such peroration, a digression for the
sake of effect or amplification, to be followed by
81 the summing-up and the close. I find no fault
with even this distribution, for it is neat, though
unscientific, as was sure to happen with teachers
unversed in practical advocacy. For the rules which
they have sought to restrict to the openings and
the statements of cases ought to be observed in all
82 speeches. Thus I can more readily win an arbi-
trator's goodwill as my address proceeds than before
a word of it has been heard, and I make him recep-
tive, not when I am promising proof, but when I
am instructing him and making all plain; moreover
we can secure his attention by our argument as a
83 whole, not by our opening allegations. Then again,
in requiring the statement of the case to be plausible,
lucid and brief, they advise us well; but, in deeming
these qualities more appropriate to such statement
than to the address as a whole, I think they are
greatly mistaken; and undoubtedly their blunder
arises solely from their idea that this oratory is a
kind of art, just like the other arts, such as Crassus
said yesterday could be constructed on the model of
the common law itself, so that the general kinds of
subject-matter must first be set out, the omission of
any kind being an error, next the particular species
of each kind, wherein too little or too much of any

partem, et superare, mendosum est; tum verborum omnium definitiones, in quibus neque abesse quidquam decet neque redundare.

84 XX. Sed hoc si in iure civili, si etiam in parvis aut mediocribus rebus doctiores assequi possunt, non idem sentio tanta hac in re, tamque immensa, posse fieri. Sin autem qui arbitrantur, deducendi sunt ad eos, qui haec docent; omnia iam explicata et perpolita assequentur: sunt enim innumerabiles de his rebus libri, neque abditi neque obscuri. Sed videant, quid velint: ad ludendumne, an ad pugnandum arma sint sumpturi; aliud enim pugna et acies, aliud ludus campusque noster desiderat. Attamen ars ipsa ludicra armorum et gladiatori et militi prodest aliquid; sed animus acer, et praesens, et acutus idem atque versutus, invictos viros efficit [non difficilius arte coniuncta].[1]

85 Quare ego tibi oratorem sic iam instituam, si potuero, ut, quid efficere possit, ante perspiciam. Sit enim mihi tinctus litteris; audierit aliquid, legerit, ista ipsa praecepta acceperit: tentabo quid deceat, quid voce, quid viribus, quid spiritu, quid lingua efficere possit. Si intellegam posse ad summos pervenire, non solum hortabor, ut elaboret, sed etiam, si vir quoque bonus mihi videbitur esse, obsecrabo:

[1] *Ellendt, Sorof and others reject the words in brackets as a copyist's addition.*

species is a fault, and finally the definitions of all terms, in which nothing ought to be missing and nothing redundant.

84 XX. "But, granting that the more learned can attain such orderliness in common law and also in matters of slight or no great importance, I do not think the same is possible in this subject, with its vast significance and range. If however some hold otherwise, they must be brought to the teachers of these studies; they will find everything already displayed and highly finished; for there are countless books on these topics, neither recondite nor hard to understand. But let them consider what they want; whether it be for sport or warfare that they mean to arm; for the requirements of a pitched battle are not those of a sham fight or our own training-ground. For all that, the management of arms in mere sport has its value for gladiator and soldier alike, though it is the keen and ready intelligence, endowed with sharpness and resourcefulness, that secures men against defeat, and no less easily when allied with art.

It is natural capacity that matters.

85 "And so I shall now begin making an orator for you, if I can, by first discovering the extent of his capacity. I would have him be a man of some learning, who has done some listening and some reading, and received those very teachings we have mentioned; I will make trial of what suits him, and of his powers of intonation, physique, energy and fluency. If I find him capable of reaching the highest class, I will not merely encourage him to work out his purpose but will positively implore him so to do, provided that I also think his character sound—so much glory to the whole community do

tantum ego in excellenti oratore, et eodem viro bono, pono esse ornamenti universae civitati. Sin videbitur, cum omnia summa fecerit, tamen ad mediocres oratores esse venturus, permittam ipsi, quid velit; molestus magnopere non ero; sin plane abhorrebit, et erit absurdus, ut se contineat, aut ad
86 aliud studium transferat, admonebo. Nam neque is, qui optime potest, deserendus ullo modo est a cohortatione nostra, neque is, qui aliquid potest, deterrendus: quod alterum divinitatis mihi cuiusdam videtur, alterum, vel non facere, quod non optime possis, vel facere, quod non pessime facias, humanitatis. Tertium vero illud, clamare contra quam deceat, et quam possit, hominis est, ut tu, Catule, de quodam clamatore dixisti, stultitiae suae quam
87 plurimos testes domestico praeconio colligentis. De hoc igitur, qui erit talis, ut cohortandus adiuvandusque sit, ita loquamur, ut ei tradamus ea duntaxat, quae nos usus docuit, ut nobis ducibus veniat eo, quo sine duce ipsi pervenimus, quoniam meliora docere non possumus.

88 XXI. Atque, ut a familiari nostro exordiar, hunc ego, Catule, Sulpicium, primum in causa parvula adolescentulum audivi: voce et forma, et motu corporis, et reliquis rebus aptis ad hoc munus, de quo quaerimus; oratione autem celeri et concitata, quod erat ingenii, et verbis effervescentibus, et paulo nimium redundantibus, quod erat aetatis. Non sum

I see in an outstanding orator who is also a man of worth. But if he seems likely, after doing his utmost in every way, to attain only the level of the ordinary speaker, I will leave him to his own choice and not worry him much, while, if he prove wholly unsuitable and out of his element, I will recommend either self-repression or recourse to some other
86 vocation. For by no means must a man of the highest capacity be left without our encouragement, or one of any ability scared away, since to my mind the state of the former partakes in a sense of the godlike, while the other course, that of refraining from doing what you cannot do perfectly, or doing what you can do without complete discredit, is natural to a gentleman. But that third alternative of bawling, in defiance of propriety and of the speaker's own limitations, marks the man who, as you, Catulus, observed of a certain bawler, assembles as many witnesses of his folly as he can, by acting as
87 his own crier. Of him then, who shall be found deserving of our encouragement and help, let us so speak as to impart to him merely what practice has taught us, so that under our leadership he may reach that stage at which we ourselves have arrived without a leader, since better teaching we cannot give.

Instance of capacity appropriately cultivated.

88 XXI. "And so, Catulus, to begin with our friend here, I first heard Sulpicius, when he was almost a boy, in a petty case: as to intonation, presence, bearing and the other essentials he was well fitted for this function we are investigating, but his delivery was rapid and impetuous—the result of his genius—, his diction agitated and a little too exuberant, as was natural at his age. I did not underrate him,

aspernatus; volo enim se efferat in adolescente fecunditas: nam sicut facilius, in vitibus, revocantur ea, quae sese nimium profuderunt, quam, si nihil valet materies, nova sarmenta cultura excitantur: ita volo esse in adolescente, unde aliquid amputem; non enim potest in eo sucus esse diuturnus, quod nimis
89 celeriter est maturitatem assecutum. Vidi statim indolem, neque dimisi tempus, et eum sum cohortatus, ut forum sibi ludum putaret esse ad discendum; magistrum autem, quem vellet, eligeret; me quidem si audiret, L. Crassum; quod iste arripuit, et ita sese facturum confirmavit, atque etiam addidit, gratiae scilicet causa, me quoque sibi magistrum futurum. Vix annus intercesserat ab hoc sermone cohortationis meae, cum iste accusavit C. Norbanum, defendente me. Non est credibile, quid interesse mihi sit visum inter eum qui tum erat, et qui anno ante fuerat. Omnino in illud genus eum Crassi magnificum atque praeclarum natura ipsa ducebat: sed ea non satis proficere potuisset, nisi eodem studio atque imitatione intendisset, atque ita dicere consuesset, ut tota mente Crassum atque omni animo intueretur.

90 XXII. Ergo hoc sit primum in praeceptis meis, ut demonstremus, quem imitetur atque ita ut, quae maxime excellant in eo, quem imitabitur, ea diligentissime persequatur. Tum accedat exercitatio, qua illum, quem delegerit, imitando effingat, atque ita exprimat, non ut multos imitatores saepe cognovi, qui aut ea, quae facilia sunt, aut etiam illa, quae insignia ac paene vitiosa, consectantur imitando.

[a] See § 197 n.

being well content that luxuriance should exalt itself in the youthful, for, as with vines it is easier to cut back the branches which have shot out too riotously than to produce new growths by cultivation from a feeble stock, even so in a young man I want something to prune, because the sap can never live
89 long in anything which has ripened too early. I instantly perceived his quality and did not miss the opportunity, but urged him to regard the law-courts as his school of instruction, choosing what master he pleased, but Lucius Crassus if he would take my advice; he caught at this suggestion and assured me that he would follow it, adding, out of politeness of course, that I too should be his teacher. Scarcely a year had elapsed, after this advisory talk with me, when our friend prosecuted Gaius Norbanus,[a] whom I was defending. Incredible was the difference I saw between the Sulpicius of that day and of a year earlier. Assuredly Nature herself was leading him into the grand and glorious style of Crassus, but could never have made him proficient enough, had he not pressed forward on that same way by careful imitation, and formed the habit of speaking with every thought and all his soul fixed in contemplation of Crassus.

90 XXII. "Let this then be my first counsel, that we show the student whom to copy, and to copy in such a way as to strive with all possible care to attain the most excellent qualities of his model. Next let practice be added, whereby in copying he may reproduce the pattern of his choice and not portray him as time and again I have known many copyists do, who in copying hunt after such characteristics as are easily copied or even abnormal and possibly

Rules for practice.

91 Nihil est facilius quam amictum imitari alicuius, aut statum, aut motum. Si vero etiam vitiosi aliquid est, id sumere et in eo ambitiosum esse non magnum est, ut ille, qui nunc etiam, amissa voce, furit in republica, Fufius, nervos in dicendo C. Fimbriae, quos tamen habuit ille, non assequitur, oris pravitatem et verborum latitudinem imitatur. Sed tamen ille nec deligere scivit, cuius potissimum similis esset, et in eo ipso, quem delegerat, imitari etiam vitia voluit.
92 Qui autem ita faciet, ut oportet, primum vigilet necesse est in deligendo; deinde, quem probarit, in eo, quae maxime excellent, ea diligentissime persequatur.

Quid enim causae censetis esse, cur aetates extulerint singulae singula prope genera dicendi? Quod non tam facile in nostris oratoribus possumus iudicare, quia scripta, ex quibus iudicium fieri posset, non multa sane reliquerunt, quam in Graecis; ex quorum scriptis, cuiusque aetatis quae dicendi ratio voluntas-
93 que fuerit, intellegi potest. Antiquissimi fere sunt, quorum quidem scripta constent, Pericles atque Alcibiades, et eadem aetate Thucydides, subtiles, acuti, breves, sententiis magis quam verbis abundantes. Consecuti sunt hos Critias, Theramenes, Lysias: multa Lysiae scripta sunt; nonnulla Critiae; de Theramene audivimus. Non potuisset accidere ut unum esset omnium genus, nisi aliquem sibi proponerent ad imitandum[1]: omnes etiam tum retinebant illum Periclis sucum; sed erant paulo

[1] non . . . imitandum *hic Warmington: ante* Consecuti.

91 faulty. For nothing is easier than to imitate a man's style of dress, pose or gait. Moreover, if there is a fault, it is not much trouble to appropriate that and to copy it ostentatiously, just as that Fufius, who even now is raving in the political world, though his voice has gone, fails to attain the energy in speaking which Gaius Fimbria certainly possessed, though hitting off his uncouth mouthings and broad pronunciation. For all that, however, he did not know how to choose the model whom he would most willingly resemble, and it was positively the faults
92 in his chosen pattern that he elected to copy. But he who is to proceed aright must first be watchful in making his choice, and afterwards extremely careful in striving to attain the most excellent qualities of the model he has approved.

The various schools of oratory.

"Why now is it, do you suppose, that nearly every age has produced its own distinctive style of oratory? Of this truth we can judge less easily in the case of our own orators, since they have left but very few writings on which a judgement could be based, than as regards the Greeks, from whose works the method and tendency of the oratory of every genera-
93 tion may be understood. Quite the earliest, of whom we have any authentic remains, are Pericles and Alcibiades, with Thucydides of the same generation, all of them accurate, pointed, terse and wealthier in ideas than diction. These were followed by Critias, Theramenes and Lysias: we possess many writings of Lysias, of Critias a few; Theramenes is but a name to us. Their uniformity of style could never have come about, had they not kept before them some single model for imitation: they all still retained the peculiar vigour of Pericles, but their

94 uberiore filo. Ecce tibi exortus est Isocrates, magister rhetorum[1] omnium, cuius e ludo, tanquam ex equo Troiano, meri principes exierunt; sed eorum partim in pompa, partim in acie illustres esse voluerunt.

XXIII. Atque[2] et illi, Theopompi, Ephori, Philisti, Naucratae, multique alii naturis differunt, voluntate autem similes sunt et inter sese et magistri, et ei, qui se ad causas contulerunt, ut Demosthenes, Hyperides, Lycurgus, Aeschines, Dinarchus, aliique complures, etsi inter se pares non fuerunt, tamen omnes sunt in eodem veritatis imitandae genere versati, quorum quamdiu mansit imitatio, tamdiu genus illud
95 dicendi studiumque vixit. Posteaquam, exstinctis his, omnis eorum memoria sensim obscurata est et evanuit, alia quaedam dicendi molliora ac remissiora genera viguerunt. Inde Demochares, quem aiunt sororis filium fuisse Demosthenis; tum Phalereus ille Demetrius, omnium istorum, mea sententia, politissimus, aliique horum similes exstiterunt. Quae si volemus usque ad hoc tempus persequi, intellegemus, ut hodie Alabandensem illum Meneclem, et eius fratrem Hieroclem, quos ego audivi, tota imitetur Asia: sic semper fuisse aliquem, cuius se similes
96 plerique esse vellent. Hanc igitur similitudinem qui imitatione assequi volet, cum exercitationibus crebris atque magnis, tum scribendo maxime persequatur: quod si hic noster Sulpicius faceret, multo eius oratio esset pressior; in qua nunc interdum, ut in herbis

[1] rhetorum *Reid:* istorum. [2] Atque *Wilkins*: Itaque.

94 texture was a little more luxuriant. Then behold! there arose Isocrates, the Master of all rhetoricians, from whose school, as from the Horse of Troy, none but leaders emerged, but some of them sought glory in ceremonial, others in action.

XXIII. "And indeed the former sort, men like Theopompus, Ephorus, Philistus, Naucrates and many more, while differing in natural gifts, yet in spirit resemble one another and their Master too; and those who betook themselves to lawsuits, as did Demosthenes, Hyperides, Lycurgus, Aeschines, Dinarchus and several others, although of varying degrees of ability, were none the less all busy with the same type of imitation of real life, and as long as the imitation of these persisted, so long did their
95 kind of oratory and course of training endure. Afterwards, when these men were dead and all remembrance of them gradually grew dim and then vanished away, certain other less spirited and lazier styles of speaking flourished. Then came Demochares, said to have been the son of Demosthenes' sister, and after him the distinguished Demetrius of Phalerum, the most elegant, to my thinking, of all that school, and others like them. And, if we please to trace this subject down to our own times, we shall find, that just as to-day all Asia is copying the great Menecles of Alabanda and his brother Hierocles, both of whom I have heard, so there has always been some speaker
96 whom the majority would fain resemble. Let him then, who hopes by imitation to attain this likeness, carry out his purpose by frequent and large practice, and if possible, by written composition: if our friend Sulpicius here were to do so, his diction would be far more condensed; at present, as countrymen are

rustici solent dicere in summa ubertate, inest luxuries quaedam, quae stylo depascenda est.

97 Hic Sulpicius: Me quidem, inquit, recte mones, idque mihi gratum est: sed ne te quidem, Antoni, multum scriptitasse arbitror.

Tum ille: Quasi vero, inquit, non ea praecipiam aliis, quae mihi ipsi desint: sed tamen ne tabulas quidem conficere existimor. Verum et in hoc, ex re familiari mea, et in illo, ex eo, quod dico, quantulum
98 id cumque est, quid faciam, iudicari potest. Atque esse tamen multos videmus, qui neminem imitentur et suapte natura, quod velint, sine cuiusquam similitudine consequantur. Quod et in vobis animadverti recte potest, Caesar et Cotta; quorum alter inusitatum nostris quidem oratoribus leporem quemdam et salem, alter acutissimum et subtilissimum dicendi genus est consecutus. Neque vero vester aequalis Curio, patre, mea sententia, vel eloquentissimo temporibus illis, quemquam mihi magnopere videtur imitari; qui tamen verborum gravitate et elegantia et copia suam quamdam expressit quasi formam, figuramque dicendi: quod ego maxime potui iudicare in ea causa, quam ille contra me apud centumviros pro fratribus Cossis dixit; in qua nihil illi defuit, quod non modo copiosus, sed etiam sapiens orator habere deberet.

99 XXIV. Verum, ut aliquando ad causas deducamus illum, quem constituimus, et eas quidem, in quibus plusculum negotii est, iudiciorum atque litium—

wont to say of grass in times of extreme productiveness, it occasionally has a certain luxuriance about it, which should be grazed off by the pen."

97 Here Sulpicius interposed, "Truly you give me good counsel and I thank you for it, but I fancy that even you, Antonius, have done but little scribbling."

To which Antonius made answer, "As though I could not teach others what I lack myself; though certainly I am credited with not even keeping accounts! But what little I can do in this direction can be judged from my financial situation, and in
98 the other from what I say. And indeed we see that there are many who copy no man, but gain their objects by natural aptitude, without resembling any model. And the truth of this may be observed in you two, Caesar and Cotta, for one of you has acquired a degree of humour and wit unusual in orators, at any rate in our own, and the other a thoroughly keen and subtle type of oratory. Curio too, your contemporary, whose father I consider quite the most eloquent of his day, seems to me to copy no one in particular, though in the dignity, refinement and copiousness of his language he has given expression to what may be called his own peculiar pattern and type of oratory, of which I could judge to perfection in that action which he conducted against me before the Hundred Commissioners, on behalf of the brothers Cossi; on that occasion he lacked no qualification which an orator of insight, not of copiousness alone, should possess.

But gifted individuals can dispense with models.

99 XXIV. "However, to introduce at last this man we are portraying to the business of trials and lawsuits, especially such cases as involve rather more

First master facts of case.

riserit aliquis fortasse hoc praeceptum ; est enim non
tam acutum, quam necessarium, magisque monitoris
non fatui, quam eruditi magistri—hoc ei primum
praecipiemus, quascumque causas erit tractaturus, ut
100 eas diligenter penitusque cognoscat. Hoc in ludo
non praecipitur : faciles enim causae ad pueros
deferuntur. 'Lex peregrinum vetat in murum
ascendere ; ascendit ; hostes repulit ; accusatur.'
Nihil est negotii eiusmodi causam cognoscere ; recte
igitur nihil de causa discenda praecipiunt : haec
est enim in ludo causarum fere formula. At vero
in foro, tabulae, testimonia, pacta conventa, stipula-
tiones, cognationes, affinitates, decreta, responsa, vita
denique eorum qui in causa versantur, tota cogno-
scenda est : quarum rerum neglegentia plerasque
causas, et maxime privatas (sunt enim multo saepe
101 obscuriores) videmus amitti. Ita nonnulli, dum
operam suam multam existimari volunt, ut toto foro
volitare et a causa ad causam ire videantur, causas
dicunt incognitas. In quo est illa quidem magna
offensio, vel neglegentiae, susceptis rebus ; vel per-
fidiae, receptis ; sed etiam illa maior opinione, quod
nemo potest de ea re, quam non novit, non turpissime
dicere. Ita dum inertiae vituperationem, quae maior
est, contemnunt, assequuntur etiam illam, quam
magis ipsi fugiunt, tarditatis.

102 Equidem soleo dare operam, ut de sua quisque re

trouble,—someone will perhaps laugh at this axiom,
for it is not so much shrewd as necessary, and
comes from an adviser who is no fool, rather than
from a learned Master—, we shall first instruct
him to get up carefully and thoroughly whatever
100 cases he proposes to conduct. This is no canon
of the schools, for the cases set to the boys are
simple. 'Statute forbids a foreigner to mount the
wall ; a foreigner mounts ; he has driven off the
enemy ; he is prosecuted.' It is no trouble to get
up a case like that, and so they are right in giving
no directions for mastering the case, for this is just
about the type of wording in cases set in the schools.
But in the law-courts documents, evidence, informal
agreements, formal contracts, relationship by blood
or marriage, magisterial orders, opinions of counsel,
and finally the life-history of the parties to the pro-
ceedings, must all be examined ; and we see that
it is generally through neglect of these matters that
cases are lost, particularly such as concern private
rights, for these are often of peculiar difficulty.
101 Thus some practitioners, wishing their business to be
thought large, and themselves to be seen flitting
from lawsuit to lawsuit all round the courts, argue
cases which they have not got up. Herein they incur
very grave reproach, either of carelessness, if their
services are volunteered, or of bad faith, if they are re-
tained ; but that reproach is deemed all the greater,
in that no man can speak, without the direst disgrace,
on a subject which he has not mastered. And so,
while scorning the accusation of laziness, in reality
the more serious, they encounter as well that of dull-
ness, which they themselves more sedulously avoid.

102 "It is my own practice to take care that every client

me ipse doceat et ut ne quis alius adsit, quo liberius loquatur, et agere adversarii causam, ut ille agat suam et, quidquid de sua re cogitarit, in medium proferat. Itaque cum ille discessit, tres personas unus sustineo summa animi aequitate, meam, adversarii, iudicis. Qui locus est talis, ut plus habeat adiumenti quam incommodi, hunc iudico esse dicendum; ubi plus mali quam boni reperio, id totum abiudico atque
103 eicio. Ita assequor, ut alio tempore cogitem, quid dicam, et alio dicam: quae duo plerique ingenio freti simul faciunt; sed certe eidem illi melius aliquanto dicerent, si aliud sumendum sibi tempus ad cogitandum, aliud ad dicendum putarent.

104 Cum rem penitus causamque cognovi, statim occurrit animo, quae sit causa ambigendi. Nihil est enim, quod inter homines ambigatur (sive ex crimine causa constat, ut facinoris, sive ex controversia, ut hereditatis, sive ex deliberatione, ut belli, sive ex persona, ut laudis, sive ex disputatione, ut de ratione vivendi) in quo non, aut quid factum sit, aut fiat, futurumve sit, quaeratur, aut quale sit, aut quid vocetur.

105 XXV. Ac nostrae fere causae, quae quidem sunt criminum, plerumque infitiatione defenduntur. Nam et de pecuniis repetundis, quae maximae sunt, neganda fere sunt omnia, et de ambitu raro illud datur, ut possis liberalitatem atque benignitatem ab ambitu

personally instructs me on his affairs, and that no one else shall be present, so that he may speak the more freely; and to argue his opponent's case to him, so that he may argue his own and openly declare whatever he has thought of his position. Then, when he has departed, in my own person and with perfect impartiality I play three characters, myself, my opponent and the arbitrator. Whatever consideration is likely to prove more helpful than embarrassing I decide to discuss; wherever I find more harm than good I entirely reject and discard the topic concerned.
103 In this way I gain the advantage of reflecting first on what to say and saying it later, two things which most people, trusting in their talent, do simultaneously, though those same individuals would certainly speak rather more successfully, if they thought fit to take one occasion for reflection and another for speaking.

The issue then manifest, under one of three heads:

104 "When I have thoroughly mastered the circumstances of a case the issue in doubt comes instantly to my mind. For of all the issues disputed among men, whether the matter is criminal, as a charge of outrage, or a civil proceeding, as one relating to an inheritance, or a discussion of policy, as one touching a war, or of a personal kind, as a panegyric, or a philosophical debate, as on the way to live, there is not one of which the point is not either what has been done, or what is being done, or going to be done, or as to the nature or description of something.

(1) fact of alleged act,

105 XXV. "In almost all our cases, in prosecutions at any rate, the usual defence is a plea of not guilty. For, in trials for extortion, the most important class, nearly every allegation must be denied, and, on a charge of corrupt practices, lavish generosity can seldom be distinguished from profuse bribery; in

atque largitione seiungere ; de sicariis, de veneficiis,
de peculatu infitiari necesse est. Id est igitur genus
primum causarum in iudiciis ex controversia facti ;
in deliberationibus plerumque ex futuri, raro ex
106 instantis aut acti. Saepe etiam res non sit necne,
sed qualis sit quaeritur ; ut cum L. Opimii causam
defendebat apud populum, audiente me, C. Carbo
consul, nihil de C. Gracchi nece negabat, sed id iure
pro salute patriae factum esse dicebat ; ut eidem
Carboni tribuno plebis alia tum mente rem publi-
cam capessenti P. Africanus de Ti. Graccho inter-
roganti responderat iure caesum videri. Iure autem
omnia defenduntur, quae sunt eius generis, ut aut
oportuerit aut licuerit aut necesse fuerit aut impru-
107 dentia aut casu facta esse videantur. Iam quid
vocetur, quaeritur, cum quo verbo quid appel-
landum sit, contenditur ; ut mihi ipsi cum hoc
Sulpicio fuit in Norbani causa summa contentio.
Pleraque enim de eis, quae ab isto obiciebantur,
cum confiterer, tamen ab illo maiestatem minutam
negabam, ex quo verbo lege Appuleia tota illa causa
108 pendebat. Atque in hoc genere causarum non nulli
praecipiunt ut verbum illud, quod causam facit,
breviter uterque definiat, quod mihi quidem per-
quam puerile videri solet. Alia est enim, cum inter
doctos homines de eis ipsis rebus quae versantur
in artibus disputatur, verborum definitio, ut cum

[a] See § 197 n.

[b] In 100 B.C., appointing a commission to investigate treasons committed during the Cimbrian war, 113—101 B.C.

cases of assassination, poisoning or misappropriation
a denial is the inevitable plea. Thus in Court the
first class of cases is that of disputed facts ; debate
generally proceeds from something still to come,
106 seldom from anything present or past. Often too
the question is not whether something be the
fact or not, but what is its nature ; as, when I
heard Gaius Carbo, in his consulship, defending
Lucius Opimius before the people, he denied no de-
tail of the killing of Gaius Gracchus, but urged that
it was justifiable and for the public safety ; or as
when Publius Africanus made answer to that very
Carbo (by then a tribune of the commons with
changed political views and putting a question as to
Tiberius Gracchus), that 'his death appeared to be
justifiable.' Now all acts may be defended as justifi-
able which are such that the doing thereof was a
duty, or permissible, or necessary, or which are shown
to have been done inadvertently or by accident.
107 Again the question is one of definition, when the
terms in which an act should be described are in dis-
pute, as in the main contention between myself and
our friend Sulpicius at the trial of Norbanus.[a] For,
while admitting most of our friend's indictment, I
still maintained that the defendant was not guilty of
'treason,' since the whole case depended on the con-
struction of this word, by virtue of the Statute of
108 Appuleius.[b] And in such proceedings some lay down
a rule that each side shall concisely define the de-
batable term, a proposition which I myself always
think thoroughly childish. For definition of terms is
another thing when controversy arises among special-
ists touching the intimate concerns of the arts, for
instance when inquiry is made as to the essential

(2) its nature,

(3) its definition.

quaeritur, quid sit ars, quid sit lex, quid sit civitas, in quibus hoc praecipit ratio atque doctrina, ut vis eius rei quam definias sic exprimatur ut neque absit

109 quicquam neque supersit. Quod quidem in illa causa neque Sulpicius fecit neque ego facere conatus sum; nam quantum uterque nostrum potuit, omni copia dicendi dilatavit, quid esset maiestatem minuere. Etenim definitio primum reprehenso verbo uno aut addito aut dempto saepe extorquetur e manibus; deinde genere ipso doctrinam redolet exercitationemque paene puerilem; tum et in sensum et in mentem iudicis intrare non potest, ante enim praeterlabitur, quam percepta est.

110 XXVI. Sed in eo genere, in quo quale sit quid, ambigitur, exsistit etiam ex scripti interpretatione saepe contentio, in quo nulla potest esse nisi ex ambiguo controversia. Nam illud ipsum, quod scriptum a sententia discrepat, genus quoddam habet ambigui; quod tum explicatur, cum ea verba, quae desunt, suggesta sunt, quibus additis defenditur sententiam scripti perspicuam fuisse. Ex contrariisque scriptis si quid ambigitur, non novum genus nascitur, sed superioris generis causa duplicatur. Idque aut numquam diiudicari poterit aut ita diiudicabitur, ut referendis praeteritis verbis id scriptum, quodcumque defendemus, suppleatur. Ita fit, ut unum genus in eis causis, quae propter scriptum ambiguntur, relinquatur, si est scriptum aliquid ambigue.

111 Ambiguorum autem cum plura genera sunt, quae

nature of an art, a statute or a community, in which circumstances scientific method ordains that the significance of whatever you are defining shall be

109 made plain, with no omission or redundance. But in that case of ours Sulpicius did no such thing nor did I attempt it, since we both, to the utmost of our power, enlarged with all our fluency upon the meaning of 'act of treason.' For, in the first place, if the addition or substraction of a word be seized on, a definition is often wrung from our grasp, and then too the very suggestion savours of the schools and a training little better than elementary, and lastly the definition cannot reach the understanding and reason of the arbitrator, as it slips by him before he has taken it in.

110 XXVI. "But in that kind of cases, wherein the nature of something is in issue, a further contest often arises out of the construction of a document, when the only possible dispute comes from an equivocation. For the mere fact that letter and spirit are at variance involves something of an equivocation; and this is solved directly the missing words are supplied, and, when these are inserted, it is contended that the sense of the writing has become plain. And, if uncertainty arises from passages which contradict one another, there emerges no new sort of problem, but a double example of the former kind. And this will either prove insoluble, or will be so solved, that by the restoration of the words omitted, whichever version we are upholding will be completed. It follows that only one class is left of problems turning on the writer's language, these arising where something has been equivocally expressed.

These three issues explained.

111 "Now, although there are several kinds of equivo-

mihi videntur ei melius nosse, qui dialectici appellantur, hi autem nostri ignorare, qui non minus nosse debeant, tum illud est frequentissimum in omni consuetudine vel sermonis vel scripti, cum idcirco aliquid ambigitur, quod aut verbum aut verba sint

112 praetermissa. Iterum autem peccant, cum genus hoc causarum, quod in scripti interpretatione versatur, ab illis causis, in quibus, qualis quaeque res sit, disceptatur, seiungunt; nusquam enim tam quaeritur, quale sit genus ipsum rei quam in scripto, quod totum a facti controversia separatum est.

113 Ita tria sunt omnino genera, quae in disceptationem et controversiam cadere possunt: quid fiat factum futurumve sit, aut quale sit, aut quo modo nominetur. Nam illud quidem, quod quidam Graeci adiungunt, 'rectene factum sit,' totum in eo est, 'quale sit.'

114 XXVII. Sed iam ad institutum revertar meum. Cum igitur accepta causa et genere cognito rem tractare coepi, nihil prius constituo, quam quid sit illud, quo mihi sit referenda omnis illa oratio, quae sit propria quaestionis et iudicii. Deinde illa duo diligentissime considero, quorum alterum commendationem habet nostram aut eorum, quos defendimus, alterum est accommodatum ad eorum animos, apud quos dicimus, ad id, quod volumus, commovendos. Ita

115 omnis ratio dicendi tribus ad persuadendum rebus est nixa: ut probemus vera esse, quae defendimus; ut conciliemus eos nobis, qui audiunt; ut animos eorum, ad quemcumque causa postulabit motum, vocemus.

116 Ad probandum autem duplex est oratori subiecta

[a] i.e. the rhetoricians.

cation (better understood, I think, by the so-called logicians, and unknown to these[a] friends of ours, who should understand them just as well), yet the most common, in the whole range of verbal or written intercourse, is the equivocation due to the omission

112 of a word or words. And they are wrong again in distinguishing between this sort of cases, concerned with documentary construction, and those where the nature of something is in debate; for never is the precise character of anything so closely investigated as in the construction of a document, which has nothing in common with questions of fact.

113 "Then questions of three kinds in all may fall under debate and dispute—, what is being done, or has been done or is going to be done, or what is the nature of something, or what is its right designation? For that further question, added by sundry Greeks, whether something was lawfully done, is completely covered by the question of its nature.

114 XXVII. "But to return at length to my own plan. Three objects in view.

As soon then as I have received my instructions and classed the case and taken the matter in hand, the very first thing I determine is that point to which I must devote all such part of my speech as belongs peculiarly to the issue and the verdict. Next I contemplate with the utmost care those other two essentials, the one involving the recommendation of myself or my clients, the other designed to sway the

115 feelings of the tribunal in the desired direction. Thus for purposes of persuasion the art of speaking relies wholly upon three things: the proof of our allegations, the winning of our hearers' favour, and the rousing of their feelings to whatever impulse our case may

116 require. For purposes of proof, however, the material

materies: una rerum earum, quae non excogitantur ab oratore, sed in re positae ratione tractantur, ut tabulae, testimonia, pacta conventa, quaestiones, leges, senatus consulta, res iudicatae, decreta, responsa, reliqua, si quae sunt, quae non ab oratore pariuntur, sed ad oratorem a causa atque a reis deferuntur; altera est, quae tota in disputatione et
117 in argumentatione oratoris collocata est. Ita in superiore genere de tractandis argumentis, in hoc autem etiam de inveniendis cogitandum est. Atque isti quidem, qui docent, cum causas in plura genera secuerunt, singulis generibus argumentorum copiam suggerunt. Quod etiamsi ad instituendos adolescentulos magis aptum est, ut, simul ac posita causa sit, habeant quo se referant, unde statim expedita possint argumenta depromere, tamen et tardi ingenii est rivulos consectari, fontis rerum non videre, et iam aetatis est ususque nostri a capite quod velimus arcessere et unde omnia manent videre.

118 Et primum genus illud earum rerum, quae ad oratorem deferuntur, meditatum nobis in perpetuum ad omnem usum similium rerum esse debebit; nam et pro tabulis et contra tabulas et pro testibus et contra testes et pro quaestionibus et contra quaestiones et item de ceteris rebus eiusdem generis vel separatim dicere solemus de genere universo vel definite de singulis temporibus, hominibus, causis; quos quidem locos—vobis hoc, Cotta et Sulpici, dico—multa commentatione atque meditatione paratos atque expe-

Facts must be established by evidence or argument.

at the orator's disposal is twofold, one kind made up of the things which are not thought out by himself, but depend upon the circumstances and are dealt with by rule, for example documents, oral evidence, informal agreements, examinations, statutes, decrees of the Senate, judicial precedents, magisterial orders, opinions of counsel, and whatever else is not produced by the orator, but is supplied to him by the case itself or by the parties: the other kind is founded
117 entirely on the orator's reasoned argument. And so, with the former sort, he need only consider the handling of his proofs, but with the latter, the discovery of them as well. And indeed those professors, after distinguishing a larger number of types of cases, suggest proofs in plenty for each type. But, even if this plan is better fitted for training the young, to the end that, directly a case is propounded, they may have authorities from which they can forthwith borrow ready-made proofs, yet it is a symptom of congenital dullness to follow up the tiny rills, but fail to discern the sources of things: and by this time it is the privilege of men of our years and experience to call up what we want from the water's head, and to discern the springs of every stream.

Methods of handling these acquired by study

118 "And, to begin with, that class of things supplied to the orator we shall have to study constantly, with a view to the general use of similar instances; for in attacking or defending documents, witnesses or examinations by torture, and also in dealing with all other such subjects, it is our habit to discuss either the whole class in the abstract, or individual occasions, persons or circumstances in the concrete: these commonplaces (I am speaking to you, Cotta and Sulpicius) you ought, by dint of large study and practice, to

119 ditos habere debetis. Longum est enim nunc me expli-
care, qua ratione aut confirmare aut infirmare testes,
tabulas, quaestiones oporteat. Haec sunt omnia in-
genii vel mediocris, exercitationis autem maximae;
artem quidem et praecepta dumtaxat hactenus requi-
120 runt, ut certis dicendi luminibus ornentur. Itemque
illa, quae sunt alterius generis, quae tota ab oratore
pariuntur, excogitationem non habent difficilem;
explicationem magis illustrem perpolitamque de-
siderant. Itaque cum haec duo nobis quaerenda
sint in causis, primum quid, deinde quo modo
dicamus, alterum, quod totum arte tinctum videtur,
tametsi artem requirit, tamen prudentiae est paene
mediocris quid dicendum sit videre; alterum est, in
quo oratoris vis illa divina virtusque cernitur, ea, quae
dicenda sunt, ornate, copiose varieque dicere.

121 XXVIII. Qua re illam partem superiorem, quoniam
semel ita vobis placuit, non recusabo quo minus
perpoliam atque conficiam—quantum consequar, vos
iudicabitis—quibus ex locis ad eas tres res, quae ad
fidem faciendam solae valent, ducatur oratio, ut
et concilientur animi et doceantur et moveantur.
Haec sunt enim tria. Ea vero quem ad modum illus-
trentur, praesto est, qui omnes docere possit, qui hoc
primus in nostros mores induxit, qui maxime auxit,
122 qui solus effecit. Namque ego, Catule,—dicam enim
non reverens assentandi suspicionem—neminem esse
oratorem paulo illustriorem arbitror, neque Graecum
neque Latinum, quem aetas nostra tulerit, quem non
et saepe et diligenter audierim. Itaque si quid est in
me—quod iam sperare videor, quoniam quidem vos,

[a] *i.e. inventio*, or the discovery of what to say.

119 have ready at hand. It would be a long story for me
to unfold just now the right way to corroborate or
weaken witnesses, documents or examinations. All
this demands no great talent but vast practice, and
Art and her maxims only to this extent—that it be
120 illuminated by good and effective diction. So too
those subjects of the other class, produced entirely
by the orator, are easy enough to think out, but call
for clearer and highly finished exposition. Thus,
while in our cases we have these two objectives, first
what to say, and secondly how to say it, the former,
which seems to be art pure and simple, cannot indeed
dispense with art, though it needs but ordinary skill
to discover what ought to be said; but it is in the
latter that the orator's godlike power and excellence
are discerned, that is, his delivery of what he has to
say in a style elegant, copious and diversified.

Mode of stating arguments effectively left to Crassus.

121 XXVIII. "Accordingly, as you have once for all so
resolved, I shall not object to working out completely
(you will judge of the measure of my success) that
former[a] portion, dealing with those commonplaces
from which may be drawn a speech such as to attain
those three things which alone can carry conviction;
I mean the winning over, the instructing and the
stirring of men's minds. For these are the three.
But how to embellish these arguments we have at
hand him who could teach the world, the man who
first made this accomplishment habitual among us,
did most to improve it, and alone has mastered it.
122 For I think, Catulus (and I shall say so without fear
of being suspected of flattery), that I have listened
often and attentively to every one of the rather more
brilliant speakers of our day, Greek and Roman alike.
And so, if there be anything in me (as I think I may

his ingeniis homines, tantum operae mihi ad audiendum datis—ex eo est, quod nihil quisquam umquam me audiente egit orator, quod non in memoria mea penitus insederit. Atque ego is, qui sum, quantuscumque sum ad iudicandum, omnibus auditis oratoribus, sine ulla dubitatione sic statuo et iudico, neminem omnium tot et tanta, quanta sunt in Crasso,
123 habuisse ornamenta dicendi. Quam ob rem, si vos quoque hoc idem existimatis, non erit, ut opinor, iniqua partitio, si, cum ego hunc oratorem, quem nunc fingo, ut institui, crearo, aluero, confirmaro, tradam eum Crasso et vestiendum et ornandum.

124 Tum Crassus: Tu vero, inquit, Antoni, perge, ut instituisti. Neque enim est boni neque liberalis parentis, quem procrearis et eduxeris, eum non et vestire et ornare, praesertim cum te locupletem esse negare non possis. Quod enim ornamentum, quae vis, qui animus, quae dignitas illi oratori defuit, qui in causa peroranda non dubitavit excitare reum consularem et eius diloricare tunicam et iudicibus cicatrices adversas senis imperatoris ostendere? Qui idem, hoc accusante Sulpicio, cum hominem seditiosum furiosumque defenderet, non dubitavit seditiones ipsas ornare, ac demonstrare gravissimis verbis multos saepe impetus populi non iniustos esse, quos praestare nemo possit; multas etiam e re publica seditiones saepe esse factas, ut cum reges essent exacti, ut cum tribunicia potestas constituta; illam Norbani seditionem ex luctu civium et ex

[a] M'. Aquilius, see § 194 n
[b] See § 197 n.

hope there is, now that men of your talents take so much trouble to hear me), it is because no orator ever delivered a speech in my hearing which did not settle deep within my memory. And I, being what I am, and so far as I am competent to judge, after hearing all the orators, do unhesitatingly decree and pronounce as follows, that not one of them all possessed so many and excellent resources of diction
123 as appear in Crassus. Therefore, if you share this estimate of mine, it will, I think, be no unfair division of labour if, having begotten, nurtured and made strong this orator, whom I am now moulding as I planned, I hand him over to Crassus, to be clothed and fitted out."

Crassus urges Antonius to explain his own method.

124 Here Crassus observed: "Nay, Antonius, you go on with your plan. For it ill becomes a good and generous father to refuse clothing and equipment to the child you have begotten and reared, especially as you cannot plead poverty. For what did that advocate lack, in the way of resource, passion, energy or greatness, who in closing his case did not hesitate to call forward the defendant[a] of consular rank, and tear open his tunic, and display to the tribunal the scars on the old general's breast? Who again, in his defence of a factious and frenzied client, prosecuted by Sulpicius here, did not hesitate to glorify civil discord in itself, and to show, in most convincing terms, that many popular movements are justifiable, and no one by any possibility answerable for them; that moreover civil discord has often been aroused in the interest of the community, witness the expulsion of the kings and the establishment of the authority of tribunes; that the outbreak of Norbanus,[b] arising as it did from public mourning and indignation against

Caepionis odio, qui exercitum amiserat, neque re-
125 primi potuisse et iure esse conflatam? Potuit hic locus tam anceps, tam inauditus, tam lubricus, tam novus sine quadam incredibili vi ac facultate dicendi tractari? Quid ego de Cn. Mallii, quid de Q. Regis commiseratione dicam? Quid de aliis innumerabilibus? in quibus non hoc maxime enituit, quod tibi omnes dant, acumen quoddam singulare, sed haec ipsa, quae nunc ad me delegare vis, ea semper in te eximia et praestantia fuerunt.

126 XXIX. Tum Catulus: Ego vero, inquit, in vobis hoc maxime admirari soleo, quod, cum inter vos in dicendo dissimillimi sitis, ita tamen uterque vestrum dicat, ut ei nihil neque a natura denegatum neque a doctrina non delatum esse videatur. Qua re, Crasse, neque tu tua suavitate nos privabis, ut, si quid ab Antonio aut praetermissum aut relictum sit, non explices; neque te, Antoni, si quid non dixeris, existimabimus non potuisse potius quam a Crasso dici maluisse.

127 Hic Crassus: Quin tu, inquit, Antoni, omittis ista, quae proposuisti, quae nemo horum desiderat: quibus ex locis ea, quae dicenda sunt in causis, reperiantur; quae quamquam a te novo quodam modo praeclareque dicuntur, sunt tamen et re faciliora et praeceptis pervagata. Illa deprome nobis unde afferas, quae saepissime tractas semperque divinitus. Depromam equidem, inquit, et quo facilius

Caepio, who had lost his army, could not have been
125 restrained and was justifiably kindled. Could this line of argument, so hazardous, startling, treacherous and unfamiliar, be handled otherwise than by oratorical power and readiness truly marvellous? What shall I say of the lamentation over Gnaeus Mallius, or of that over Quintus Rex? What of countless other cases, wherein the really unequalled acuteness, universally recognized as yours, was not the most brilliant feature, but those very qualifications, which you would now delegate to me, were consistently displayed in outstanding excellence by yourself?"

126 XXIX. "For my part," interposed Catulus, "the thing about you two which most persistently excites my wonder is, that while you are utterly different in style, yet each speaks as though nothing had been denied him by nature or withheld from him by training. And so, Crassus, you will not stint us of your charm to the extent of declining to expound anything passed over or left out by Antonius, nor shall we suppose, Antonius, that you could have a speaker more welcome to you than Crassus, to say what you may have omitted to say."

127 "Not so, Antonius," continued Crassus, "rather please omit that part of your programme which none of our friends here wants, touching the commonplaces which supply us with what we have to say in our cases: although you discuss these things with brilliant originality, they are for all that really rather easy and widely current in maxims. Produce for us the sources of what you so often handle and always in inspired fashion." "I will certainly produce them," replied the other, "and, the more readily to exact

id a te exigam, quod petam, nihil tibi a me
128 postulanti recusabo. Meae totius orationis et istius ipsius in dicendo facultatis, quam modo Crassus in caelum verbis extulit, tres sunt rationes, ut ante dixi: una conciliandorum hominum, altera
129 docendorum, tertia concitandorum. Harum trium partium prima lenitatem orationis, secunda acumen, tertia vim desiderat. Nam hoc necesse est, ut is, qui nobis causam adiudicaturus sit, aut inclinatione voluntatis propendeat in nos, aut defensionis argumentis adducatur, aut animi permotione cogatur. Sed quoniam illa pars, in qua rerum ipsarum explicatio ac defensio posita est, videtur omnem huius generis quasi doctrinam continere, de ea primum loquemur et pauca dicemus. Pauca enim sunt, quae usu iam tractata et animo quasi notata habere videamur.

130 XXX. Ac tibi sapienter monenti, Crasse, libenter assentiemur, ut singularum causarum defensiones quas solent magistri pueris tradere, relinquamus, aperiamus autem capita ea, unde omnis ad omnem et causam et orationem disputatio ducitur. Neque enim, quotiens verbum aliquod est scribendum nobis, totiens eius verbi litterae sunt cogitatione conquirendae; nec quotiens causa dicenda est, totiens ad eius causae seposita argumenta revolvi nos oportet, sed habere certos locos, qui, ut litterae ad verbum scribendum, sic illi ad causam explicandam statim
131 occurrant. Sed hi loci ei demum oratori prodesse possunt, qui est versatus in rerum vel usu, quem aetas

what I want from you, I will refuse nothing that you
128 demand of me. Under my whole oratorical system and that very readiness in speaking which Crassus just now lauded to the skies, lie three principles, as I said before, first the winning of men's favour, secondly
129 their enlightenment, thirdly their excitement. Of these three the first calls for gentleness of style, the second for acuteness, the third for energy. For, of necessity, the arbitrator who is to decide in our favour must either lean to our side by natural inclination, or be won over by the arguments for the defence, or constrained by stirring his feelings. But as the portion including the exposition of the actual facts and the line of defence seems to include the whole doctrine on this subject, we will speak of that first and briefly. For there are a few points which I have perhaps already handled in practice and noted in my memory.

Employment of 'commonplaces.'

130 XXX. "And I shall gladly follow your good counsel, Crassus, ignoring the lines of defence proper to particular types of cases, as taught regularly by the professors to the boys, while I open up the sources from which the whole argument for every case and speech is derived. For just as, whenever we have some word to write, we need not search out its component letters by hard thinking, so, whenever we have some case to argue, our right course is not to fall back upon proofs laid away for that particular type of cases, but to have in readiness sundry commonplaces which will instantly present themselves for setting forth the case, as the letters
131 do for writing the word. But these commonplaces can be useful only to a speaker who is a man of affairs, qualified by experience, which age assuredly

denique affert, vel auditione et cogitatione, quae studio et diligentia praecurrit aetatem. Nam si tu mihi quamvis eruditum hominem adduxeris, quamvis acrem et acutum in cogitando, quamvis ad pronuntiandum expeditum, si erit idem in consuetudine civitatis, in exemplis, in institutis, in moribus ac voluntatibus civium suorum hospes, non multum ei loci proderunt illi, ex quibus argumenta promuntur. Subacto mihi ingenio opus est, ut agro non semel arato, sed et[1] novato et iterato, quo meliores fetus possit et grandiores edere. Subactio autem est usus, auditio, lectio, litterae.

132 Ac primum naturam causae videat, quae numquam latet, factumne sit quaeratur, an quale sit, an quod nomen habeat; quo perspecto statim occurrit naturali quadam prudentia, non his subductionibus, quas isti docent, quid faciat causam, id est, quo sublato controversia stare non possit; deinde quid veniat in iudicium, quod isti sic iubent quaerere. 'Interfecit Opimius Gracchum. Quid facit causam? Quod rei publicae causa, cum ex senatus consulto ad arma vocasset. Hoc tolle, causa non erit. At id ipsum negat contra leges licuisse Decius. Veniet igitur in iudicium licueritne ex senatus consulto servandae rei publicae causa.' Perspicua sunt haec quidem et in volgari prudentia sita; sed illa quae-

[1] et *add. Reid;* [novato et] *alii.*

brings, or by listening and reflection, which through careful study outruns age. For bring me a man as accomplished, as clear and acute in thinking, and as ready in delivery as you please; if, for all that, he is a stranger to social intercourse, precedent, tradition, and the manners and disposition of his fellow-countrymen, those commonplaces from which proofs are derived will avail him but little. I must have talent which has been cultivated, soil, as it were, not of a single ploughing, but both broken and given a second ploughing so as to be capable of bearing better and more abundant produce. And the cultivation is practice, listening, reading and written composition.

Some 'commonplace' always available.

132 "And let the pupil first discern the nature of a case, never an obscure thing, whether the question relate to the doing of an act, or to its character or right designation: this once ascertained, the substance of the case, or that without which the discussion must collapse, leaps instantly to the mind, through what I may call native intuition, not through the reckonings taught by those people; next he must determine the issue to be decided, which they would have him investigate as follows. 'Opimius killed Gracchus. What is the substance of the case? That he did so in the interest of the community, after proclaiming a state of war in obedience to the Senate's decree. Strike out this plea, and there will be no case. Decius however denies the legality of the decree itself, as being contrary to statute. So the issue will be whether the Senate's decree and the salvation of the community justified the act.' These points are quite clear and within the compass of ordinary knowledge, but a search is

renda, quae et ab accusatore et a defensore argumenta ad id, quod in iudicium venit, spectantia debent afferri.

133 XXXI. Atque hic illud videndum est, in quo summus est error istorum magistrorum, ad quos liberos nostros mittimus, non quo hoc quidem ad dicendum magno opere pertineat, sed tamen ut videatis quam[1] sit genus hoc eorum qui sibi eruditi videntur hebes atque impolitum.[2] Constituunt enim in partiendis orationum modis duo genera causarum: unum appellant, in quo sine personis atque temporibus de universo genere quaeratur; alterum, quod personis certis et temporibus definiatur; ignari omnes controversias ad universi generis vim et naturam referri.

134 Nam in ea ipsa causa, de qua ante dixi, nihil pertinet ad oratoris locos Opimii persona, nihil Decii. De ipso universo genere infinita quaestio est, num poena videatur esse afficiendus, qui civem ex senatus consulto patriae conservandae causa interemerit, cum id per leges non liceret. Nulla denique est causa, in qua id, quod in iudicium venit, reorum personis ac non generum ipsorum universa dubitatione

135 quaeratur. Quin etiam in eis ipsis, ubi de facto ambigitur, ceperitne pecunias contra leges P. Decius, argumenta et criminum et defensionis revocentur oportet ad genus et ad naturam universam: quod sumptuosus, de luxurie, quod alieni appetens, de avaritia, quod seditiosus, de turbulentis et malis

[1] quam *Piderit*: quale.
[2] [hebes atque impolitum] *Kayser*.

necessary to discover the proofs, bearing upon the issue, which are proper to be adduced by the prosecution and the defence respectively.

133 XXXI. "And here we must notice the very great mistake made by those professors, to whom we send our sons; not indeed that this has much to do with speaking, but just to let you see how dull and inelegant is this class of the people who fancy themselves accomplished. For in their division of the different kinds of speeches they set up two sorts of cases: one they describe as raising general questions, not related to individuals or occasions; and the other as depending upon specific individuals and occasions; not knowing that any debate whatsoever can be brought under the notion and quality

Error of separating 'commonplaces' from instances.

134 of the general kind. For, in the very case I mentioned just now, the personality of Opimius or of Decius has nothing to do with the orator's commonplaces. There is an abstract question of a purely general kind, 'Is a defendant to be deemed deserving of punishment, who has slain a fellow-countryman in obedience to a decree of the Senate, and for the salvation of his native land, though by statute such act was unlawful?' There is in fact no case wherein the issue for decision turns on the personalities of the parties, and not on the abstract

135 discussion of general conceptions. Indeed, even where the question is one of pure fact, such as 'Did Publius Decius take moneys unlawfully?' the evidence for prosecution and defence alike must have reference to general terms and essential qualities: to convict of extravagance you must refer to profusion; of covetousness, to greed; of sedition, to turbulent and wicked members of

civibus, quod a multis arguitur, de genere testium, contraque, quae pro reo dicentur, omnia necessario a tempore atque homine ad communes rerum et gene-
136 rum summas revolventur. Atque haec forsitan homini non omnia, quae sunt in natura rerum, celeriter animo comprehendenti permulta videantur, quae veniant in iudicium tum, cum de facto quaeratur; sed tamen criminum multitudo est et defensionum, non locorum infinita.

137 XXXII. Quae vero, cum de facto non ambigitur, quaeruntur, qualia sint, ea si ex reis numeres, et innumerabilia sunt et obscura; si ex rebus, valde et modica et illustria. Nam si Mancini causam in uno Mancino ponimus, quotienscumque is, quem pater patratus dediderit, receptus non erit, totiens causa nova nascetur. Sin illa controversia causam facit, videaturne ei, quem pater patratus dediderit, si is non sit receptus, postliminium esse, nihil ad artem dicendi nec ad argumenta defensionis Mancini
138 nomen pertinet. Ac, si quid affert praeterea hominis aut dignitas aut indignitas, extra quaestionem est et ea tamen ipsa oratio ad universi generis disputationem referatur necesse est. Haec ego non eo consilio disputo, ut homines eruditos redarguam; quamquam reprehendendi sunt qui in genere definiendo istas causas describunt in personis et in
139 temporibus positas esse. Nam etsi incurrunt tempora

[a] See Book I, xl.

the community; to prove that the defendant's accusers are many, you must deal with witnesses in the mass: and conversely all the evidence for the defence will have to turn away from the particular occasion and individual to general con-
136 ceptions of circumstances and kinds. And, to a man who is slow in his intellectual apprehension of all that there is in life, the issues arising for decision on questions of fact may perhaps seem very numerous, but in reality it is the charges and the lines of defence, not the commonplaces, which are endless in their variety.

The great variety of cases can be brought under few heads.

137 XXXII. But the cases wherein there is no question of fact, and only the character of an act is in doubt, are innumerable and intricate if reckoned up by the actors, but very few and clear if reckoned up by the acts. For, if we confine the decision in the *Case of Mancinus* [a] to Mancinus alone, then every time the surrender of anyone delivered up by the Priestly Envoy has been rejected, a fresh debate will begin. But, if the substance of that case is the problem 'Whether a man delivered up by the Priestly Envoy has the right of re-entry if his surrender is rejected,' then the person of Mancinus has nothing to do with the art of speaking or the
138 evidence for the defence. Moreover whatever help a man's worth or his want of it affords is irrelevant to the inquiry, and yet that part of the speech also must be classed as discussion of a general proposition. I treat these matters not in order to contradict accomplished people, though they are to be censured who, in determining their classification, define such cases as depending upon specific individuals and
139 occasions. For occasions and individuals do indeed

et personae, tamen intellegendum est, non ex eis, sed ex genere quaestionis pendere causas. Sed hoc nihil ad me; nullum enim nobis certamen cum istis esse debet. Tantum satis est intellegi ne hoc quidem eos consecutos, quod in tanto otio, etiam sine hac forensi exercitatione, efficere potuerunt, ut genera rerum discernerent eaque paulo subtilius explicarent.

140 Verum hoc, ut dixi, nihil ad me. Illud ad me ac multo etiam magis ad vos, Cotta noster et Sulpici: quo modo nunc se istorum artes habent, pertimescenda est multitudo causarum; est enim infinita, si in personis ponitur; quot homines, tot causae; sin ad generum universas quaestiones referuntur, ita modicae et paucae sunt, ut eas omnes diligentes et memores et sobrii oratores percursas animo et prope dicam decantatas habere debeant; nisi forte existimatis a M'. Curio causam didicisse L. Crassum et ea re multa attulisse, quam ob rem postumo non nato Curium tamen heredem Coponii esse oporteret.

141 Nihil ad copiam argumentorum neque ad causae vim ac naturam nomen Coponii aut Curii pertinuit. In genere erat universo rei negotiique, non in tempore ac nominibus, omnis quaestio: cum scriptum ita sit *Si mihi filius genitur, isque prius moritur*, et cetera, *tum mihi ille sit heres*, si natus filius non sit, videaturne is, qui filio mortuo institutus heres sit,

[a] See Book I, § 180.

enter into the inquiry, but it must be understood that the cases do not depend upon these, but upon general questions. This however is nothing to me, for we are not obliged to quarrel with those people. It is quite enough to make it known that they have not even succeeded in distinguishing different classes of things, and in describing them a little more accurately, as with their unbounded leisure they could have done, even though they lacked our own

140 public practice. But this, as I said, is nothing to me. What is important to me, and far more so to you, friends Cotta and Sulpicius, is that, in the present stage of those men's attainments, a multiplicity of cases is greatly to be feared; for their variety is endless if they are identified with individuals; every man then has his case; but, if they are brought under general heads of inquiry, they are so ordinary and so few that careful and thoughtful speakers with good memories should be able to handle them all, after mentally running through them and all but sing-songing them; unless you happen to think that Lucius Crassus got up his brief from Manius Curius,[a] and for that reason adduced all those grounds for holding Curius entitled to succeed as heir to Coponius, though no posthumous

141 son had been born. The identity of Coponius or of Curius had nothing to do with the wealth of argument or with the essential character of the case. The whole inquiry turned upon an abstract question, founded in the facts of the matter, not in any occasion or personalities: the words in the will being '*If a son is born to me, and such son dies before, etc., then let So-and-so be my heir*,' and no son having in fact been born, ought that party to inherit who was nominated

heres esse. Perpetui iuris et universi generis quaestio non hominum nomina, sed rationem dicendi et argumentorum fontes desiderat.

142 XXXIII. In quo etiam isti nos iuris consulti impediunt a discendoque deterrent. Video enim in Catonis et in Bruti libris nominatim fere referri quid alicui de iure viro aut mulieri responderit: credo, ut putaremus in hominibus, non in re, consultationis aut dubitationis causam aliquam fuisse; ut, quod homines innumerabiles essent, debilitati a iure cognoscendo voluntatem discendi simul cum spe perdiscendi abiceremus. Sed haec Crassus aliquando nobis expediet et exponet discripta generatim; est enim, ne forte nescias, heri nobis ille hoc, Catule, pollicitus se ius civile, quod nunc diffusum et dissipatum esset, in certa genera coacturum et ad artem facilem redacturum.

143 Et quidem, inquit Catulus, haudquaquam id est difficile Crasso, qui et, quod disci potuit de iure, didicit et, quod eis, qui eum docuerunt, defuit, ipse afferet, ut, quae sint in iure, vel apte discribere vel ornate illustrare possit. Ergo ista, inquit Antonius, tum a Crasso discemus, cum se de turba et a subselliis

144 in otium, ut cogitat, soliumque contulerit. Iam id quidem saepe, inquit Catulus, ex eo audivi, cum diceret sibi certum esse a iudiciis causisque discedere;

heir in substitution for a deceased son? An inquiry depending upon a fixed and general rule of law needs no men's names, but methodical presentation and the sources of arguments.

142 XXXIII. "And here again those learned lawyers embarrass us and frighten us away from more learning. For I observe that in the treatises of Cato and Brutus the advice given by counsel to clients of either sex is generally set down with the parties named: I suppose, to make us think that some reason for seeking advice or for the discussion originated in the parties and not in the circumstances; to the end that, seeing the parties to be innumerable, we might be discouraged from studying the law, and might cast away our inclination to learn at the same moment as our hope of mastery. But these matters Crassus will one day disentangle for us and set forth arranged under heads; for you must know, Catulus, that yesterday he promised us that he would collect under definite heads the common law, at present dispersed in disorder, and would reduce it to an easy system."

143 "To be sure," answered Catulus, "that is easy enough for Crassus, who has learned all there is to be learned about law, and will personally supply the deficiencies of his teachers, to make it possible for him to arrange fittingly and elucidate elegantly the contents of the law." "Well then," said Antonius, "we shall learn those things from Crassus, when as he is thinking of doing, he has withdrawn from the hubbub of the Courts to the peace of his

144 armchair." "I have often heard him say so," rejoined Catulus, "when he has been announcing his resolve to retire from practice at the Bar, but, as I

sed, ut ipsi soleo dicere, non licebit; neque enim ipse auxilium suum saepe a viris bonis frustra implorari patietur neque id aequo animo feret civitas, quae si voce L. Crassi carebit, ornamento quodam sese spoliatam putabit. Nam hercle, inquit Antonius, si haec vere a Catulo dicta sunt, tibi mecum in eodem est pistrino, Crasse, vivendum; et istam oscitantem et dormitantem sapientiam Scaevolarum et cete-
145 rorum beatorum otio concedamus. Arrisit hic Crassus leniter et: Pertexe modo, inquit, Antoni, quod exorsus es; me tamen ista oscitans sapientia, simul atque ad eam confugero, in libertatem vindicabit.

XXXIV. Huius quidem loci, quem modo sum exorsus, hic est finis, inquit Antonius; quoniam intellegitur non in hominum innumerabilibus personis neque in infinita temporum varietate, sed in generum causis atque naturis omnia sita esse, quae in dubium vocarentur, genera autem esse definita non solum numero, sed etiam paucitate, ut eam materiem orationis, quae cuiusque esset generis, studiosi qui essent dicendi, omnibus locis discriptam, instructam ornatamque comprehenderent rebus dico et senten-
146 tiis. Ea vi sua verba parient, quae semper satis ornata mihi quidem videri solent, si eius modi sunt, ut ea res ipsa peperisse videatur. Ac si verum quaeritis, quod mihi quidem videatur—nihil enim aliud affirmare possum nisi sententiam et opinionem meam—hoc instrumentum causarum et generum universorum in forum deferre debemus neque, ut quaeque res delata ad nos erit, tum denique scrutari locos, ex

always tell him, he will not get the chance: for he himself will seldom suffer his aid to be begged in vain by men of worth, nor will the community bear it, but will think itself robbed of its jewel, as it were, if it miss the tones of Lucius Crassus." "Upon my word, Crassus," interposed Antonius, "if Catulus has been telling the truth, you and I will have to pass our lives together in the same pounding-mill; and we shall let leisure have (—and welcome too) that yawning and drowsy philosophizing of men like
145 Scaevola and the others who are lucky." Crassus laughed quietly at this, observing, "Just weave out the warp you have begun, Antonius, but that yawning Philosophy of yours, when once I have found sanctuary with her, will claim my freedom."

Necessity of being equipped in advance with arguments—especially by study.

XXXIV. "This then," resumed Antonius, "is the aim of the topic whose warp I opened just now: it being understood that all the possible subjects of debate are not founded on a countless host of human beings or an endless diversity of occasions, but on typical cases and characters, and that the types are not merely limited in number but positively few, I wished the devotees of eloquence to contemplate the fabric of speeches of the several kinds, in distribution under all the headings, and in good order and well
146 furnished, with facts, I mean, and reflections. These things, by their own natural force, will beget the words, which I, at any rate, always think well enough found, if they are such as seem to grow out of the inherent circumstances. And if you want the truth, at any rate as I see it (for I can assert only my own verdict and belief), we ought to bring this stock of cases and types down to Court with us, and not wait until we have accepted a brief, before we search the

quibus argumenta eruamus; quae quidem omnibus, qui ea mediocriter modo considerarint, studio adhibito et usu pertractata esse possunt; sed tamen animus referendus est ad ea capita et ad illos, quos saepe iam appellavi, locos, ex quibus omnia ad omnem
147 orationem inventa ducuntur. Atque hoc totum est sive artis sive animadversionis sive consuetudinis nosse regiones, intra quas venere et pervestiges, quod quaeras. Ubi eum locum omnem cogitatione saepseris, si modo usu rerum percallueris, nihil te effugiet atque omne, quod erit in re, occurret atque incidet.

XXXV. Et sic, cum ad inveniendum in dicendo tria sint: acumen, deinde ratio, quam licet, si volumus, appellemus artem, tertium diligentia, non possum equidem non ingenio primas concedere, sed tamen ipsum ingenium diligentia etiam ex tarditate
148 incitat; diligentia, inquam, quae cum omnibus in rebus tum in causis defendendis plurimum valet. Haec praecipue colenda est nobis; haec semper adhibenda; haec nihil est quod non assequatur. Causa ut penitus, quod initio dixi, nota sit, diligentia est; ut adversarium attente audiamus atque ut eius non solum sententias, sed etiam verba omnia excipiamus, voltus denique perspiciamus omnes, qui
149 sensus animi plerumque indicant, diligentia est. Id tamen dissimulanter facere, ne sibi ille aliquid proficere videatur, prudentia est. Deinde ut in eis locis, quos proponam paulo post, pervolvatur animus, ut penitus insinuet in causam, ut sit cura et cogitatione

commonplaces, from which to dig out our proofs; which indeed can be handled, after no very deep consideration, by anyone who is helped by study and practice, but for all that the mind must needs return to those headings and those commonplaces which I have often mentioned as such already, from which every device for every speech whatever is derived.
147 Again, in art, in observation and in practice alike, it is everything to be familiar with the ground over which you are to chase and track down your quarry. When you have mentally encompassed all that area, if only you are quite hardened to practical dealings, nothing will escape you, but every detail of an affair will come up with a rush and fall into your net.

XXXV. "And so, since in oratory three things are necessary to discovery of arguments, first acuteness, secondly theory, or art, as we may call it if we like, and thirdly painstaking, I must needs grant pride of place to talent, though talent itself is roused from
148 lethargy by painstaking, painstaking, I repeat, which is always valuable, and most of all in fighting a case. This virtue we must especially cultivate and ever be calling it to our aid; there is nothing that this cannot attain. By painstaking comes that intimate knowledge of a case, to which I alluded at first; it is painstaking to listen with close attention to our opponent, and so as to catch not only his periods, but his every word as well, and finally to read all his changes of countenance, which generally gives the clue to his
149 frame of mind. But to do this unobtrusively, so that he may not think he has scored a point, is discretion. Then that the mind should dwell upon those commonplaces which I shall set forth presently, that it should worm itself into the roots of a matter, with its powers

intentus, diligentia est; ut his rebus adhibeat tamquam lumen aliquod memoriam, ut vocem, ut vires,
150 diligentia est. Inter ingenium quidem et diligentiam perpaulum loci reliquum est arti. Ars demonstrat tantum, ubi quaeras, atque ubi sit illud, quod studeas invenire; reliqua sunt in cura, attentione animi, cogitatione, vigilantia, assiduitate, labore; complectar uno verbo, quo saepe iam usi sumus, diligentia; qua una virtute omnes virtutes reliquae
151 continentur. Nam orationis quidem copia videmus ut abundent philosophi, qui, ut opinor—sed tu haec, Catule, melius—nulla dant praecepta dicendi nec idcirco minus, quaecumque res proposita est, suscipiunt, de qua copiose et abundanter loquantur.

152 XXXVI. Tum Catulus: Est, inquit, ut dicis, Antoni, ut plerique philosophi nulla tradant praecepta dicendi et habeant paratum tamen quid de quaque re dicant. Sed Aristoteles, is, quem ego maxime admiror, proposuit quosdam locos, ex quibus omnis argumenti via non modo ad philosophorum disputationem, sed etiam ad hanc, qua in causis utimur, inveniretur; a quo quidem homine iam dudum, Antoni, non aberrat oratio tua, sive tu similitudine illius divini ingenii in eadem incurris vestigia sive etiam illa ipsa legisti atque didicisti, quod quidem magis veri simile videtur. Plus enim te operae Graecis dedisse rebus video, quam
153 putaramus. Tum ille: Verum, inquit, ex me

[a] In *Topica*.

of attention and thought at full stretch, is still painstaking; to supplement all this with the torch of memory, with intonation and with energy, is pains-
150 taking once more. Indeed between talent and painstaking there is very little room left for art. Art merely points out where to search, and the locality of what you are anxious to find: all else depends on carefulness, mental concentration, reflection, watchfulness, persistence and hard work; I shall sum up these in the single word I have often used already, painstaking to wit, on which single virtue all other
151 virtues are dependent. For we notice the overflowing copiousness of the diction of the philosophers who, I think (though you, Catulus, are better informed on these points), prescribe no rules for speaking, but none the less undertake to discuss with overflowing copiousness, whatever subject is laid before them."

Similar teachings of Aristotle.

152 XXXVI. Thereupon Catulus remarked, "You are right, Antonius, in saying that most philosophers prescribe no rules for speaking, and yet have something ready to say about everything. Aristotle, however, my own most particular admiration, set forth[a] certain commonplaces, among which every line of argument might be found, not merely for philosophical debate, but also for our own contentions in the Courts: it is certainly long, Antonius, since your own style deviated from his principles, whether it be that through likeness to that godlike genius you fall into the same track, or, as seems far more probable, you too have perused and learned those very maxims. For I perceive that you have bestowed more pains
153 on Greek literature than we had supposed." And the other answered, "Catulus, I will tell you the

audies, Catule: semper ego existimavi iucundiorem et probabiliorem huic populo oratorem fore, qui primum quam minimam artificii alicuius, deinde nullam Graecarum rerum significationem daret. Atque ego idem existimavi pecudis esse, non hominis, cum tantas res Graeci susciperent, profiterentur, agerent seseque et videndi res obscurissimas et bene vivendi et copiose dicendi rationem daturos hominibus pollicerentur, non admovere aurem et, si palam audire eos non auderes, ne minueres apud tuos cives auctoritatem tuam, subauscultando tamen excipere voces eorum et procul quid narrarent attendere. Itaque feci, Catule, et istorum omnium summatim causas et genera ipsa gustavi.

154 XXXVII. Valde hercule, inquit Catulus, timide tamquam ad aliquem libidinis scopulum sic tuam mentem ad philosophiam appulisti, quam haec civitas aspernata numquam est. Nam et referta quondam Italia Pythagoreorum fuit tum, cum erat in hac gente magna illa Graecia; ex quo etiam quidam Numam Pompilium, regem nostrum, fuisse Pythagoreum ferunt; qui annis ante permultis fuit quam ipse Pythagoras; quo etiam maior vir habendus est, quod illam sapientiam constituendae civitatis duobus prope saeculis ante cognovit, quam eam Graeci natam esse senserunt. Et certe non tulit ullos haec civitas aut gloria clariores aut auctoritate graviores aut humanitate politiores P. Africano, C. Laelio, L. Furio, qui secum eruditissimos homines ex Graecia

truth: I always considered that a speaker would be more pleasing and acceptable to a nation like ours if he were to show, first, as little trace as possible of any artifice, and secondly none whatever of things Greek. And at the same time I considered that, with the Greeks undertaking, professing and achieving such marvels, and promising to reveal to mankind the way to understand the profoundest mysteries, to live rightly and to speak copiously, it would be brutish and inhuman not to lend an ear, and, though perhaps not venturing to listen to them openly, for fear of lessening your influence with your fellow-citizens, yet to pick up their sayings by eavesdropping, and keep a look-out from afar for their talk. Accordingly I did so, Catulus, and took a little taste of the cases and actual types of all those friends of yours."

154 XXXVII. "Upon my word," said Catulus, "you are like a pilot cautiously steering towards a dangerous reef, some Sirens' isle, when you direct your mind to Philosophy, which this country has never disdained! For even of old Italy was crowded with Pythagoreans, in the days when a part of this land was Great Greece as they called it; so that some even claim our King Numa Pompilius as a Pythagorean, though he lived very many years earlier than Pythagoras himself, for which reason he must be accounted an even greater man, in that he mastered the famous science of community-building nearly two centuries before the Greeks perceived its existence. And surely this community has produced no men of more splendid fame, more weighty influence or more polished manners, than Publius Africanus, Gaius Laelius and Lucius Furius, who at all times and in public had about them most accomplished

Roman attitude towards philosophy.

155 palam semper habuerunt. Atque ego hoc ex eis saepe audivi, cum dicerent pergratum Athenienses et sibi fecisse et multis principibus civitatis, quod, cum ad senatum legatos de suis maximis rebus mitterent, tres illius aetatis nobilissimos philosophos misissent, Carneadem et Critolaum et Diogenem; itaque eos, dum Romae essent, et a se et ab aliis frequenter auditos; quos tu cum haberes auctores, Antoni, miror cur philosophiae sicut Zethus ille
156 Pacuvianus prope bellum indixeris. Minime, inquit Antonius, ac sic decrevi philosophari potius, ut Neoptolemus apud Ennium 'Paucis: nam omnino haud placet.' Sed tamen haec est mea sententia, quam videbar exposuisse: ego ista studia non improbo, moderata modo sint: opinionem istorum studiorum et suspicionem artificii apud eos, qui res iudicent, oratori adversariam esse arbitror, imminuit enim et oratoris auctoritatem et orationis fidem.

157 XXXVIII. Sed, ut eo revocetur, unde huc declinavit oratio, ex tribus istis clarissimis philosophis, quos Romam venisse dixisti, videsne Diogenem eum fuisse, qui diceret artem se tradere bene disserendi et vera ac falsa diiudicandi, quam verbo Graeco διαλεκτικὴν appellaret? In hac arte, si modo est haec ars, nullum est praeceptum, quo modo verum
158 inveniatur, sed tantum est, quo modo iudicetur. Nam et omne, quod eloquimur sic, ut id aut esse dicamus aut non esse, et, si simpliciter dictum sit, suscipiunt

[a] In 155 B.C. The Athenians had pillaged Oropus, on the Boeotian frontier, and had been sentenced by umpires appointed by the Romans to a fine of 500 talents, reduced to 100 after this embassy.

[b] See *Remains of Old Latin* (L.C.L.), ii. pp. 162-163.

[c] *Ibid.* i. pp. 368-369, and Aulus Gellius v. 15. 9 and 16. 5.

155 personages from Greece. Moreover I have often heard those notables speak of the vast pleasure afforded to themselves and many leaders of the State by the Athenians, in having sent,[a] as envoys to the Senate on business of supreme importance to Athens, the three most illustrious philosophers of that day, Carneades, Critolaus and Diogenes, who accordingly, during their stay in Rome, frequently had my informants and others for an audience: with these witnesses before you, Antonius, I marvel why, like that Zethus described by Pacuvius,[b] you have all but
156 declared war against Philosophy." "Not at all," replied Antonius, "but rather I have determined to philosophize, as Neoptolemus says in Ennius, 'In a few things, for I don't want to do so in all ways.'[c] For all that, however, my verdict, as I thought I had made plain, is this: I do not disapprove of such pursuits, if kept within limits, though I hold that a reputation for such pursuits, or any suggestion of artifice, is likely to prejudice an orator with the judiciary: for it weakens at once the credibility of the orator and the cogency of his oratory.

Stoic doctrine useless for the orator.

157 XXXVIII. "But, to recall Oratory to the point at which this digression started, do you observe that, of those three most illustrious philosophers, who visited Rome as you told us, it was Diogenes who claimed to be teaching an art of speaking well, and of distinguishing truth from error, which art he called by the Greek name of dialectic? This art, if indeed it be an art, contains no directions for dis-
158 covering truth, but only for testing it. For as to every proposition that we enunciate with an affirmation of its truth or falsity, if it be affirmed without qualification, the dialecticians undertake to decide

dialectici, ut iudicent, verumne sit an falsum, et, si coniuncte sit elatum, et adiuncta sint alia, iudicant, rectene adiuncta sint et verane summa sit unius cuiusque rationis, et ad extremum ipsi se compungunt suis acuminibus et multa quaerendo reperiunt non modo ea, quae iam non possint ipsi dissolvere, sed etiam quibus ante exorsa, et potius detexta, prope
159 retexantur. Hic nos igitur Stoicus iste nihil adiuvat, quoniam, quem ad modum inveniam quid dicam, non docet; atque idem etiam impedit, quod et multa reperit, quae negat ullo modo posse dissolvi, et genus sermonis affert non liquidum, non fusum ac profluens, sed exile, aridum, concisum ac minutum, quod si quis probabit, ita probabit, ut oratori tamen aptum non esse fateatur. Haec enim nostra oratio multitudinis est auribus accommodanda, ad oblectandos animos, ad impellendos, ad ea probanda, quae non aurificis statera, sed populari quadam trutina examinantur.

160 Qua re istam artem totam dimittamus, quae in excogitandis argumentis muta nimium est, in iudicandis nimium loquax. Critolaum istum, quem cum Diogene venisse commemoras, puto plus huic nostro studio prodesse potuisse. Erat enim ab isto Aristotele, a cuius inventis tibi ego videor non longe aberrare. Atque inter hunc Aristotelem, cuius et illum legi librum, in quo exposuit dicendi artes omnium superiorum, et illos, in quibus ipse sua quaedam de eadem arte dixit,

whether it be true or false; and, if again it be stated hypothetically, with collateral propositions annexed, then they decide whether these others are properly annexed, and whether the conclusion drawn from each and every reasoning is correct: and in the end they prick themselves with their own barbs, and by wide investigation discover not only difficulties such as they themselves can no longer solve, but also others by which webs already attacked, or rather well-
159 nigh unwound, are tangled up again. In this connexion then that eminent Stoic is of no help to us, since he does not teach me how to discover what to say; and he actually hinders me, by finding many difficulties which he pronounces quite insoluble, and by introducing a kind of diction that is not lucid, copious and flowing, but meagre, spiritless, cramped and paltry; and, if any man commends this style, it will only be with the qualification that it is unsuitable to an orator. For this oratory of ours must be adapted to the ears of the multitude, for charming or urging their minds to approve of proposals, which are weighed in no goldsmith's balance, but in what I may call common scales.

Insight of Aristotle and ability in argument of Carneades.

160 "Let us therefore renounce entirely that art which has too little to say when proofs are being thought out, and too much when they are being assessed. That Critolaus, whose visit in company with Diogenes you recall, might have been more useful, I think, in this pursuit of ours. For he was a follower of your Aristotle, from whose doctrines you think my own differ but little. And between this Aristotle (I read also that book of his, setting forth the rhetorical theories of all his forerunners, and those other works containing sundry observations of his own on the same art),

et hos germanos huius artis magistros hoc mihi visum est interesse, quod ille eadem acie mentis, qua rerum omnium vim naturamque viderat, haec quoque aspexit, quae ad dicendi artem, quam ille despiciebat, pertinebant; illi autem, qui hoc solum colendum ducebant, habitarunt in hac una ratione tractanda non eadem prudentia, qua ille, sed usu in hoc uno
161 genere studioque maiore. Carneadi vero vis incredibilis illa dicendi et varietas perquam esset optanda nobis, qui nullam umquam in illis suis disputationibus rem defendit, quam non probarit, nullam oppugnavit, quam non everterit. Sed hoc maius est quiddam, quam ab eis, qui haec tradunt et docent, postulandum sit.

162 XXXIX. Ego autem, si quem nunc rudem plane institui ad dicendum velim, his potius tradam assiduis uno opere eandem incudem diem noctemque tundentibus, qui omnes tenuissimas particulas atque omnia minima mansa ut nutrices infantibus pueris in os inserant. Sin sit is, qui et doctrina mihi liberaliter institutus et aliquo iam imbutus usu et satis acri ingenio esse videatur, illuc eum rapiam, ubi non seclusa aliqua acula teneatur, sed unde universum flumen erumpat; qui illi sedes et quasi domicilia omnium argumentorum commonstret et ea breviter
163 illustret verbisque definiat. Quid enim est, in quo haereat, qui viderit omne, quod sumatur in oratione

and these true professors of this art, there seemed to me to be this difference,—that he surveyed these concerns of the art of rhetoric, which he disdained, with that same keen insight, by which he had discerned the essential nature of all things; whereas those others, considering this the only thing worth cultivating, have dwelt upon the treatment of this single subject, without his sagacity, but, in this one instance, with larger practice and closer application.
161 As for Carneades, however, the extraordinary power and diversity of his oratory would be extremely to our liking; since, in those debates of his he supported no contention without proving it, and attacked none which he did not overthrow. But this is rather more than should be asked of the authors and teachers of these maxims.

The doctrine of 'topics,' which are derived either from the case itself or from without.

162 XXXIX. "For my part, if just now I were to want a complete novice trained up to oratory, I should rather entrust him to these untiring people, who hammer day and night on the same anvil at their one and only task, for them to put into his mouth none but the most delicate morsels—everything chewed exceedingly small—in the manner of wet nurses feeding baby-boys. But should he, whom I have had liberally educated in theory, and who by this time has some tincture of practice, show also signs of sufficient natural acuteness, I will hurry him off to that source where no sequestered pool is landlocked, but from it bursts forth a general flood; to that teacher who will point out to him the very homes of all proofs, so to speak, illustrating these
163 briefly and defining them in terms. For in what respect could a speaker be at a loss, who has contemplated everything to be employed in a speech,

aut ad probandum aut ad refellendum aut ex sua sumi vi atque natura aut assumi foris? Ex sua vi, cum aut res quae sit tota quaeratur, aut pars eius aut vocabulum quod habeat aut quippiam, rem illam quod attingat; extrinsecus autem, cum ea, quae sunt foris neque inhaerent in rei natura, colliguntur.

164 Si res tota quaeritur, definitione universa vis explicanda est, sic: 'si maiestas est amplitudo ac dignitas civitatis, is eam minuit, qui exercitum hostibus populi Romani tradidit, non qui eum, qui id
165 fecisset, populi Romani potestati tradidit.' Sin pars, partitione, hoc modo: 'aut senatui parendum de salute rei publicae fuit aut aliud consilium instituendum aut sua sponte faciendum; aliud consilium, superbum; suum, arrogans; utendum igitur fuit consilio senatus.' Si ex vocabulo, ut Carbo: 'si consul est, qui consulit patriae, quid aliud fecit
166 Opimius?' Sin ab eo, quod rem attingat, plures sunt argumentorum sedes ac loci, nam et coniuncta quaeremus et genera et partes generibus subiectas et similitudines et dissimilitudines et contraria et consequentia et consentanea et quasi praecurrentia et repugnantia et causas rerum vestigabimus et ea,

for purposes of either proof or disproof, or to be derived from the essential nature of the case, or adopted from without? Intrinsic arguments, when the problem concerns the character of the subject as a whole, or of part of it, or the name it is to bear, or anything whatever relating to the subject; extrinsic arguments, on the other hand, when topics are assembled from without and are not inherent in the nature of the case.

164 "If the problem concerns the whole subject, the general idea of it has to be made plain by definition; for example: 'If sovereignty be the grandeur and glory of the State, it was violated by the man who delivered up to the enemy an army of the Roman People, not by him who delivered the man that did it
165 into the power of the Roman People.' But if only a part is being dealt with, its nature must be explained by distribution, as follows: 'The right course, in a situation affecting the welfare of the State, was to obey the Senate, or to set up another advisory body, or to act on his own initiative: to set up another body would have been insolence, to follow his own counsel, arrogance; therefore he should have taken the advice of the Senate.' If the argument turns on a word, remember Carbo's 'If a consul's duty is to consult the interests of his native land, what else has
166 Opimius done?' If it turns on something correlated with the subject, the proofs come from several sources or common-places; for we shall investigate connected terms, and general heads with their sub-divisions, and resemblances and differences, and opposites, and corresponding and concurrent circumstances, and so-called antecedents, and contradictories, and we shall track down the causes of

quae ex causis orta sunt, et maiora, paria, minora quaeremus.

167 XL. Ex coniunctis sic argumenta ducuntur: 'si pietati summa tribuenda laus est, debetis moveri, cum Q. Metellum tam pie lugere videatis.' Ex genere autem: 'si magistratus in populi Romani potestate esse debent, quid Norbanum accusas, cuius tribunatus voluntati paruit civitatis?'

168 Ex parte autem ea, quae est subiecta generi: 'si omnes, qui rei publicae consulunt, cari nobis esse debent, certe in primis imperatores, quorum consiliis, virtute, periculis, retinemus et nostram salutem et imperii dignitatem.' Ex similitudine autem: 'si ferae partus suos diligunt, qua nos in liberos nostros

169 indulgentia esse debemus!' At ex dissimilitudine: 'si barbarorum est in diem vivere, nostra consilia sempiternum tempus spectare debent.' Atque utroque in genere et similitudinis et dissimilitudinis exempla sunt ex aliorum factis aut dictis aut eventis, et fictae narrationes saepe ponendae. Iam ex contrario: 'si Gracchus nefarie, praeclare Opimius.'

170 Ex consequentibus: 'si et ferro interfectus ille et tu inimicus eius cum gladio cruento comprehensus es in illo ipso loco et nemo praeter te ibi visus est et causa nemini et tu semper audax, quid est quod de facinore dubitare possimus?' Ex consentaneis et

things, and the effects proceeding from causes, and investigate things of relatively greater, equal or lesser significance.

167 XL. "An instance of proof deduced from connected terms is: 'If the highest praise is due to loyalty, you should be stirred at the sight of Quintus Metellus mourning so loyally.' One of deduction from a general term is: 'If the magistracies ought to be under the control of the Roman People, why impeach Norbanus, whose conduct as tribune was subservient to the will of the community?'

168 "As a deduction from a subdivision of a general head take: 'If we are bound to esteem all who make the interests of the State their care, surely our commanders-in-chief stand foremost, by whose strategy, valour and hazards we preserve both our own security and the grandeur of our sovereignty.' Then, as a deduction from resemblance, we have: 'If the wild beasts cherish their young, what tenderness ought

169 we to bear to our children!' One from difference, on the other hand, is: 'If it be the mark of uncivilized folk to live but for the day, our own purposes should contemplate all time.' And, in cases involving both resemblance and difference, analogies are found in the deeds or the words or the fate of other people, and feigned tales must often be cited. Again, as a deduction from an opposite, take: 'If Gracchus did

170 wickedly, Opimius did nobly.' And, as one from corresponding circumstances: 'If he was killed by a sword, and you, his enemy, were caught on the very spot with a bloody blade, and none other than yourself was seen there or had any motive, and you were ever a man of violence, what doubt could we feel as to the crime?' And, to illustrate deduction

praecurrentibus et repugnantibus, ut olim Crassus adolescens: 'non si Opimium defendisti, Carbo, idcirco te isti bonum civem putabunt; simulasse te et aliud quid quaesisse perspicuum est, quod Ti. Gracchi mortem saepe in contionibus deplorasti, quod P. Africani necis socius fuisti, quod eam legem in tribunatu tulisti, quod semper a bonis dissedisti.'

171 Ex causis autem rerum sic: 'avaritiam si tollere vultis, mater eius est tollenda, luxuries.' Ex eis autem, quae sunt orta de causis: 'si aerarii copiis et ad belli adiumenta et ad ornamenta pacis utimur,

172 vectigalibus serviamus.' Maiora autem et minora et paria comparabimus sic: ex maiore: 'si bona existimatio divitiis praestat et pecunia tantopere expetitur, quanto gloria magis est expetenda?' ex minore:

Hic parvae consuetudinis
Causa huius mortem tam fert familiariter:
Quid si ipse amasset? quid hic mihi faciet patri?

ex pari: 'est eiusdem et eripere et contra rem publicam largiri pecunias.'

173 Foris autem assumuntur ea, quae non sua vi, sed extranea sublevantur, ut haec: 'hoc verum est; dixit enim Q. Lutatius.' 'Hoc falsum est; habita enim quaestio est.' 'Hoc sequi necesse est; recito

[a] P. Cornelius Scipio Africanus Minor, who captured Carthage 146 B.C., died in 129, probably from a stroke, but the Gracchans were suspected of assassination.

[b] Apparently extending the use of the ballot.

[c] From Terence, *Andria* 110-112.

from concurrent circumstances, antecedents and contradictories, we remember Crassus arguing in his youth: 'This tribunal, Carbo, is not going to deem you a patriotic citizen just because you defended Opimius: clearly you were only pretending, and had some other end in view, inasmuch as in your harangues you frequently lamented the death of Tiberius Gracchus, and you were a party to the murder of Publius Africanus,[a] and you brought in that statute[b] during your tribuneship, and always dis-

171 agreed with the patriotic.' And a deduction from the causes of things is: 'If you would abolish covetousness, you must abolish its mother, profusion.' And one from the effects of causes is: 'If we are using the funds of the Treasury to aid war and beautify peace, let us become the slaves of taxa-

172 tion.' And, to show how we shall compare things of relatively greater, lesser and equal significance, a deduction from the greater is: 'If good repute is above riches, and money is so keenly desired, how far more keenly should fame be desired?' For one from the lesser take:

Just for a slender acquaintance!
So heartfelt his grief at her death!
What had he loved her? What sorrow
Will he show for his father—for me?[c]

For one from the equal we have: 'It is one and the same man's part to snatch the State's money and lavish it to her detriment.'

173 Finally, proofs adopted from outside are such as rest upon no intrinsic force of their own but upon external authority, instances being: 'This is true, for Quintus Lutatius said so': 'This evidence is false, for torture has been employed': 'This must

enim tabulas.' De quo genere toto paulo ante dixi.

174 XLI. Haec, ut brevissime dici potuerunt, ita a me dicta sunt. Ut enim si aurum cui, quod esset multifariam defossum, commonstrare vellem, satis esse deberet, si signa et notas ostenderem locorum, quibus cognitis ipse sibi foderet et id, quod vellet, parvulo labore, nullo errore, inveniret: sic has ego argumentorum novi notas, quae illa mihi quaerenti demonstrant, ubi sint; reliqua cura et cogitatione eruuntur.
175 Quod autem argumentorum genus cuique causarum generi maxime conveniat, non est artis exquisitae praescribere, sed est mediocris ingenii iudicare. Neque enim nunc id agimus, ut artem aliquam dicendi explicemus, sed ut doctissimis hominibus usus nostri quasi quaedam monita tradamus. His igitur locis in mente et cogitatione defixis et in omni re ad dicendum posita excitatis, nihil erit quod oratorem effugere possit, non modo in forensibus disceptationibus, sed omnino in ullo genere dicendi.
176 Si vero assequetur, ut talis videatur, qualem se videri velit, et animos eorum ita afficiat, apud quos aget, ut eos, quocumque velit, vel trahere vel rapere possit, nihil profecto praeterea ad dicendum requiret.

Iam illud videmus nequaquam satis esse, reperire
177 quid dicas, nisi id inventum tractare possis. Tractatio autem varia esse debet, ne aut cognoscat artem qui audiat aut defatigetur similitudinis satietate. Proponi

inevitably follow, for I am reading from the documents.' Of all this kind of thing I spoke just now.

A brief treatment is enough, as attention and acumen will do more than theory.

174 XLI. "I have sketched these topics as shortly as possible. For if I wished to reveal to somebody gold that was hidden here and there in the earth, it should be enough for me to point out to him some marks and indications of its positions, with which knowledge he could do his own digging, and find what he wanted, with very little trouble and no chance of mistake: so I know these indications of proofs, which reveal to me their whereabouts when I am looking for them; all the rest is dug out by dint of careful consideration.
175 But what type of proofs best befits each type of case needs not consummate art to dictate, but only ordinary talent to decide. For our immediate task is not to display any system of speaking, but to hand on to highly educated men certain lessons, as I may call them, learned from our own practice. Accordingly, with these commonplaces firmly established in his mind and memory, and roused into activity with every topic proposed for discussion, nothing will be able to elude the orator, either in our own contentions at the Bar, or in any depart-
176 ment whatever of speaking. If however he shall succeed in appearing, to those before whom he is to plead, to be such a man as he would desire to seem, and in touching their hearts in such fashion as to be able to lead or drag them whithersoever he pleases, he will assuredly be completely furnished for oratory.

Variety of treatment essential.

"Again, we see that the discovery of what to say is wholly insufficient, unless you can handle it when
177 found. But the handling should be diversified, so that your hearer may neither perceive the art of it, nor be worn out by too much monotony. You ought

oportet quid afferas et id qua re ita sit ostendere; et ex eisdem illis locis interdum concludere, relinquere alias alioque transire; saepe non proponere ac ratione ipsa afferenda quid proponendum fuerit, declarare; si cui quid simile dicas, prius ut simile confirmes, deinde quod agitur, adiungas; interpuncta argumentorum plerumque occulas, ne quis ea numerare possit, ut re distinguantur, verbis confusa esse videantur.

178 XLII. Haec properans ut et apud doctos et semidoctus ipse percurro, ut aliquando ad illa maiora veniamus. Nihil est enim in dicendo, Catule, maius, quam ut faveat oratori is, qui audiet, utque ipse sic moveatur, ut impetu quodam animi et perturbatione, magis quam iudicio aut consilio regatur. Plura enim multo homines iudicant odio aut amore aut cupiditate aut iracundia aut dolore aut laetitia aut spe aut timore aut errore aut aliqua permotione mentis, quam veritate aut praescripto aut iuris norma
179 aliqua aut iudicii formula aut legibus. Qua re, nisi quid vobis aliud placet, ad illa pergamus.

Paulum, inquit Catulus, etiam nunc deesse videtur eis rebus, Antoni, quas exposuisti, quod sit tibi ante explicandum, quam illuc proficiscare, quo te dicis intendere. Quidnam? inquit. Qui ordo tibi placeat, inquit Catulus, et quae dispositio

to formulate your proposition, and give the reasons for its being what it is; and from those same commonplaces you should sometimes draw your conclusion, and sometimes abandon them to pass elsewhere; often it is better not to formulate expressly, but to make it plain, by affirming the underlying principle, what the formulation would have been; if you are putting a parallel case to something, you should first show how it is like, and then annex the matter in hand; as a rule you should conceal the intervals between successive proofs, to prevent them from being counted, so that, though separate in fact, they may seem blended in statement.

Favour of audience must be secured.

178 XLII. "I am running over these things in a hurry, and like a half-trained man who is facing experts, in order that we may come at last to those more essential matters. Now nothing in oratory, Catulus, is more important than to win for the orator the favour of his hearer, and to have the latter so affected as to be swayed by something resembling a mental impulse or emotion, rather than by judgement or deliberation. For men decide far more problems by hate, or love, or lust, or rage, or sorrow, or joy, or hope, or fear, or illusion, or some other inward emotion, than by reality, or authority, or any legal standard, or judicial
179 precedent, or statute. And so, unless you think differently, let us proceed to the things I spoke of."

Arrangement to be discussed later.

"Even now," returned Catulus, "there seems to be a little something missing, Antonius, from your exposition, which you should clear up, before setting out for that region whither you say you are bound." "Pray what is that?" asked the other. "Your view as to the right arrangement and distribution of proofs," said Catulus, "in which

argumentorum, in qua tu mihi semper deus videri soles."

180 Vide quam sim, inquit, deus in isto genere, Catule: non hercule mihi, nisi admonito, venisset in mentem; ut possis existimare me in ea, in quibus nonnunquam aliquid efficere videor, usu solere in dicendo, vel casu potius incurrere. Ac res quidem ista, quam ego, quia non noram, sic tanquam ignotum hominem praeteribam, tantum potest in dicendo, ut
181 ad vincendum nulla plus possit; sed tamen mihi videris ante tempus a me rationem ordinis et disponendarum rerum requisisse. Nam si ego omnem vim oratoris in argumentis et in re ipsa per se comprobanda posuissem, tempus esset iam de ordine argumentorum, et de collocatione aliquid dicere. Sed cum tria sint a me proposita, de uno dictum, cum de duobus reliquis dixero, tum erit denique de disponenda tota oratione quaerendum.

182 XLIII. Valet igitur multum ad vincendum probari mores et instituta et facta et vitam eorum, qui agent causas, et eorum, pro quibus, et item improbari adversariorum, animosque eorum, apud quos agetur, conciliari quam maxime ad benevolentiam, cum erga oratorem tum erga illum pro quo dicet orator. Conciliantur autem animi dignitate hominis, rebus gestis, existimatione vitae; quae facilius ornari possunt, si modo sunt, quam fingi, si nulla sunt. Sed haec adiuvant in oratore: lenitas vocis, vultus pudoris

[a] See the opening of chapter xxxv., *supra*.

connexion your practice always strikes me as ideal."

180 "Observe, Catulus," came the answer, "how far I am ideal in that kind of thing: upon my word, but for your suggestion, the notion would never have entered my head: so that you may look upon me as generally running into those ways, in which now and then I seem effective, just in the course of speaking, or rather by accident. And indeed that factor which, through failure to recognize it, I was passing by unnoticed, as I might a human stranger, is second to none in the making of oratorical success, but, for all that, I think you have been premature in asking me for my theory of the arrangement and dis-
181 tribution of topics. For had I based the orator's essential power solely upon his proofs, and upon his establishing personally his actual case, it would now be the time to say a word as to the arrangement and marshalling of proofs. But since I have assumed three [a] elements in discovery and discussed only one of them, it will be time to conclude by investigating the arrangement of a speech as a whole, when I have first discussed the two elements that remain.

182 XLIII. "A potent factor in success, then, is for the characters, principles, conduct and course of life, both of those who are to plead cases and of their clients, to be approved, and conversely those of their opponents condemned; and for the feelings of the tribunal to be won over, as far as possible, to goodwill towards the advocate and the advocate's client as well. Now feelings are won over by a man's merit, achievements or reputable life, qualifications easier to embellish, if only they are real, than to fabricate where non-existent. But attributes useful in an advocate are a mild tone, a countenance expressive of modesty,

Means of securing favour of audience.

significatio,[1] verborum comitas; si quid persequare acrius, ut invitus et coactus facere videare. Facilitatis, liberalitatis, mansuetudinis, pietatis, grati animi, non appetentis, non avidi, signa proferri perutile est; eaque omnia, quae proborum, demissorum, non acrium, non pertinacium, non litigiosorum, non acerborum sunt, valde benevolentiam conciliant abalienantque ab eis, in quibus haec non sunt; itaque eadem sunt in
183 adversarios ex contrario conferenda. Sed genus hoc totum orationis in eis causis excellet, in quibus minus potest inflammari animus iudicis acri et vehementi quadam incitatione. Non enim semper fortis oratio quaeritur, sed saepe placida, summissa, lenis, quae maxime commendat reos. Reos autem appello non eos modo, qui arguuntur, sed omnes, quorum de re
184 disceptatur; sic enim olim loquebantur. Horum igitur exprimere mores oratione, iustos, integros, religiosos, timidos, perferentes iniuriarum, mirum quiddam valet; et hoc vel in principiis vel in re narranda vel in peroranda tantam habet vim, si est suaviter et cum sensu tractatum, ut saepe plus quam causa valeat. Tantum autem efficitur sensu quodam ac ratione dicendi, ut quasi mores oratoris effingat oratio. Genere enim quodam sententiarum et genere verborum, adhibita etiam actione leni facilitatemque significante efficitur, ut probi, ut bene morati, ut boni viri esse videantur.

[1] pudor[is significatio] *Bakius.*

gentle language, and the faculty of seeming to be dealing reluctantly and under compulsion with something you are really anxious to prove. It is very helpful to display the tokens of good-nature, kindness, calmness, loyalty and a disposition that is pleasing and not grasping or covetous, and all the qualities belonging to men who are upright, unassuming and not given to haste, stubbornness, strife or harshness, are powerful in winning goodwill, while the want of them estranges it from such as do not possess them; accordingly the very opposites of these qualities
183 must be ascribed to our opponents. But all this kind of advocacy will be best in those cases wherein the arbitrator's feelings are not likely to be kindled by what I may call the ardent and impassioned onset. For vigorous language is not always wanted, but often such as is calm, gentle, mild: this is the kind that most commends the parties. By 'parties' I mean not only persons impeached, but all whose interests are being determined, for that was how people used the term
184 in the old days. And so to paint their characters in words, as being upright, stainless, conscientious, modest and long-suffering under injustice, has a really wonderful effect; and this topic, whether in opening, or in stating the case, or in winding-up, is so compelling, when agreeably and feelingly handled, as often to be worth more than the merits of the case. Moreover so much is done by good taste and style in speaking, that the speech seems to depict the speaker's character. For by means of particular types of thought and diction, and the employment besides of a delivery that is unruffled and eloquent of good-nature, the speakers are made to appear upright, well-bred and virtuous men.

185 XLIV. Huic autem est illa dispar adiuncta ratio orationis, quae alio quodam genere mentes iudicum permovet, impellitque, ut aut oderint aut diligant aut invideant aut salvum velint aut metuant aut sperent aut cupiant aut abhorreant aut laetentur aut maereant aut misereantur aut punire velint, aut ad eos motus adducantur, si qui finitimi sunt et propinqui his[1] ac talibus animi perturbationibus.

Atque illud optandum est oratori, ut aliquam permotionem animorum sua sponte ipsi afferant ad causam iudices, ad id, quod utilitas oratoris feret, accommo-
186 datam. Facilius est enim currentem, ut aiunt, incitare quam commovere languentem. Sin id aut non erit aut erit obscurius, sicut medico diligenti, priusquam conetur aegro adhibere medicinam, non solum morbus eius, cui mederi volet, sed etiam consuetudo valentis et natura corporis cognoscenda est.

Sic equidem cum aggredior ancipitem causam et gravem, ad animos iudicum pertractandos, omni mente in ea cogitatione curaque versor, ut odorer, quam sagacissime possim, quid sentiant, quid existiment, quid exspectent, quid velint, quo deduci oratione
187 facillime posse videantur. Si se dant et, ut ante dixi, sua sponte, quo impellimus, inclinant atque propendent, accipio quod datur et ad id, unde aliquis flatus ostenditur, vela do. Sin est integer quietusque iudex, plus est operis; sunt enim omnia dicendo

[1] sunt et propinqui his *Ellendt*: sunt de propinquis.

Importance of inspiring suitable emotions in audience:

185 XLIV. "But closely associated with this is that dissimilar style of speaking which, in quite another way, excites and urges the feelings of the tribunal towards hatred or love, ill-will or well-wishing, fear or hope, desire or aversion, joy or sorrow, compassion or the wish to punish, or by it they are prompted to whatever emotions are nearly allied and similar to these passions of the soul, and to such as these.

"Another desirable thing for the advocate is that the members of the tribunal, of their own accord, should carry within them to Court some mental emotion that is in harmony with what the advocate's
186 interest will suggest. For, as the saying goes, it is easier to spur the willing horse than to start the lazy one. But if no such emotion be present, or recognizable, he will be like a careful physician who, before he attempts to administer a remedy to his patient, must investigate not only the malady of the man he wishes to cure, but also his habits when in health, and his physical constitution.

"This indeed is the reason why, when setting about a hazardous and important case, in order to explore the feelings of the tribunal, I engage wholeheartedly in a consideration so careful, that I scent out with all possible keenness their thoughts, judgements, anticipations and wishes, and the direction in which they seem likely to be led away most easily by
187 eloquence. If they surrender to me, and as I said before, of their own accord lean towards and are prone to take the course in which I am urging them on, I accept their bounty and set sail for that quarter which promises something of a breeze. If however an arbitrator is neutral and free from predisposition, my task is harder, since everything has to be called

excitanda, nihil adiuvante natura. Sed tantam vim habet illa, quae recte a bono poeta dicta est 'flexanima atque omnium regina rerum,' oratio, ut non modo inclinantem excipere aut stantem inclinare, sed etiam adversantem ac repugnantem ut imperator bonus ac fortis capere possit.

188 XLV. Haec sunt illa, quae me ludens Crassus modo flagitabat, cum a me divinitus tractari solere diceret et in causa M'. Aquilii, Gaiique Norbani, non nullisque aliis quasi praeclare acta laudaret. Quae mehercule ego, Crasse, cum a te tractantur in causis, horrere soleo: tanta vis animi, tantus impetus, tantus dolor, oculis, vultu, gestu, digito denique isto tuo significari solet; tantum est flumen gravissimorum optimorumque verborum, tam integrae sententiae, tam verae, tam novae, tam sine pigmentis fucoque puerili, ut mihi non solum tu incendere iudicem, sed ipse ardere videaris.

189 Neque fieri potest, ut doleat is, qui audit, ut oderit, ut invideat, ut pertimescat aliquid, ut ad fletum misericordiamque deducatur, nisi omnes illi motus, quos orator adhibere volet iudici, in ipso oratore impressi esse atque inusti videbuntur. Quodsi fictus aliquis dolor suscipiendus esset et si in eius modi genere orationis nihil esset nisi falsum atque imitatione simulatum, maior ars aliqua forsitan esset requirenda. Nunc ego, quid tibi, Crasse, quid ceteris accidat, nescio; de me autem causa nulla est, cur

[a] *i.e.* Pacuvius, in his tragedy *Hermione*. See *Remains of Old Latin*, ii. pp. 232-233 (L.C.L.).

forth by my speech, with no help from the listener's character. But so potent is that Eloquence, rightly styled, by an excellent poet,[a] 'soulbending sovereign of all things,' that she can not only support the sinking and bend the upstanding, but, like a good and brave commander, can even make prisoner a resisting antagonist.

188 XLV. "These are the details for which Crassus was playfully importuning me just now, when he said that I always handled them ideally, and he praised what he called the brilliant treatment of them in the cases of Manius Aquilius, Gaius Norbanus and sundry others. Now I give you my word, Crassus, that I always tremble when these things are handled by yourself in Court: such is the mental power, such the passion, so profound the indignation, ever manifest in your glance, features, gesture, even in that wagging finger of yours; so mighty is the flow of your most impressive and happy diction, so sound, true and original your sentiments, and so innocent of colouring-matter or paltry dye, that to me you seem to be not merely inflaming the arbitrator, but actually on fire yourself.

Success of Crassus in this.

189 "Moreover it is impossible for the listener to feel indignation, hatred or ill-will, to be terrified of anything, or reduced to tears of compassion, unless all those emotions, which the advocate would inspire in the arbitrator, are visibly stamped or rather branded on the advocate himself. Now if some feigned indignation had to be depicted, and that same kind of oratory afforded only what was counterfeit and produced by mimicry, some loftier art would perhaps be called for. As things stand, Crassus, I do not know how it may be with yourself or the rest, but in my

The speaker must himself feel the emotions he wishes to excite;

apud homines prudentissimos atque amicissimos mentiar: non mehercule unquam apud iudices, aut dolorem, aut misericordiam aut invidiam aut odium dicendo excitare volui, quin ipse in commovendis iudicibus eis ipsis sensibus, ad quos illos adducere
190 vellem, permoverer. Neque est enim facile perficere, ut irascatur cui tu velis, iudex, si tu ipse id lente ferre videare; neque ut oderit eum, quem tu velis, nisi te ipsum flagrantem odio ante viderit; neque ad misericordiam adducetur, nisi tu ei signa doloris tui verbis, sententiis, voce, vultu, collacrimatione denique ostenderis. Ut enim nulla materies tam facilis ad exardescendum est, quae nisi admoto igni ignem concipere possit, sic nulla mens est tam ad comprehendendam vim oratoris parata, quae possit incendi, nisi ipse inflammatus ad eam et ardens accesserit.

191 XLVI. Ac, ne hoc forte magnum ac mirabile esse videatur hominem toties irasci, toties dolere, toties omni motu animi concitari, praesertim in rebus alienis, magna vis est earum sententiarum atque eorum locorum, quos agas tractesque dicendo, nihil ut opus sit simulatione et fallaciis; ipsa enim natura orationis eius, quae suscipitur ad aliorum animos permovendos, oratorem ipsum magis etiam quam quem-
192 quam eorum, qui audiunt, permovet. Et ne hoc in causis, in iudiciis, in amicorum periculis, in concursu hominum, in civitate, in foro accidere miremur, cum

own case there is no reason why I should lie to men of consummate experience, who are also my best friends: I give you my word that I never tried, by means of a speech, to arouse either indignation or compassion, either ill-will or hatred, in the minds of a tribunal, without being really stirred myself, as I worked upon their minds, by the very feelings
190 to which I was seeking to prompt them. For it is not easy to succeed in making an arbitrator angry with the right party, if you yourself seem to treat the affair with indifference; or in making him hate the right party, unless he first sees you on fire with hatred yourself; nor will he be prompted to compassion, unless you have shown him the tokens of your own grief by word, sentiment, tone of voice, look and even by loud lamentation. For just as there is no substance so ready to take fire, as to be capable of generating flame without the application of a spark, so also there is no mind so ready to absorb an orator's influence, as to be inflammable when the assailing speaker is not himself aglow with passion.

191 XLVI. "Again, lest haply it should seem a mighty miracle, for a man so often to be roused to wrath, indignation and every inward emotion—and that too about other people's business—the power of those reflections and commonplaces, discussed and handled in a speech, is great enough to dispense with all make-believe and trickery: for the very quality of the diction, employed to stir the feelings of others, stirs the speaker himself even more deeply
192 than any of his hearers. And, not to have us astonished at this happening in litigation, or before arbitrators, or in the impeachments of our friends, or among a crowd of people, or in political life, or

as he naturally will, considering his themes: examples.

agitur non solum ingenii nostri existimatio, (nam id esset levius;—quanquam, cum professus sis te id posse facere, quod pauci, ne id quidem neglegendum est); sed alia sunt maiora multo, fides, officium, diligentia, quibus rebus adducti, etiam cum alienis-
193 simos defendimus, tamen eos alienos, si ipsi viri boni volumus haberi, existimare non possumus. Sed, ut dixi, ne hoc in nobis mirum esse videatur, quid potest esse tam fictum quam versus, quam scaena, quam fabulae? Tamen in hoc genere saepe ipse vidi, ut ex persona mihi ardere oculi hominis histrionis viderentur spondalia illa dicentis:

segregare abs te ausu's aut sine illo Salamina ingredi,
neque paternum aspectum es veritus?

Nunquam illum 'aspectum' dicebat, quin mihi Telamon iratus furere luctu filii videretur. Ut idem inflexa ad miserabilem sonum voce,

quem aetate exacta indigem
liberum lacerasti, orbasti, exstinxti; neque fratris necis,
neque eius gnati parvi, qui tibi in tutelam est traditus?

flens ac lugens dicere videbatur. Quae si ille histrio, cotidie cum ageret, tamen agere sine dolore non poterat, quid Pacuvium putatis in scribendo leni animo ac remisso fuisse? Fieri nullo
194 modo potuit. Saepe enim audivi poetam bonum neminem—id quod a Democrito et Platone in scriptis

[a] These lines are from the *Teucer*, a tragedy of Pacuvius. See *Remains of Old Latin*, ii. pp. 292-293 (L.C.L.).

public debate, when not only our talent is under criticism (no great matter, though even this should not be overlooked, when you have claimed a proficiency attained by few), but other and far more important attributes are on trial, I mean our loyalty, sense of duty and carefulness, under whose influence, even when defending complete strangers, we still cannot regard them as strangers, if we would be
193 accounted good men ourselves. However, as I said, not to have this seem a marvel among us, what can be so unreal as poetry, the theatre or stage-plays? And yet, in that sort of things, I myself have often been a spectator when the actor-man's eyes seemed to me to be blazing behind his mask, as he spoke those solemn lines,[a]

Darest thou part from thy brother, or Salamis enter without him,
Dreading the mien of thy sire not at all?

Never did he utter that word 'mien,' without my beholding an infuriated Telamon maddened by grief for his son. Whenever too he lowered his voice to a plaintive tone, in the passage,[a]

Aged and childless,
Didst tear and bereave and didst quench me, forgetting the death of thy brother,
Forgetting his tiny son, though entrusted to thee as a guardian?

I thought I heard sobs of mourning in his voice. Now if that player, though acting it daily, could never act that scene without emotion, do you really think that Pacuvius, when he wrote it, was in a calm and careless frame of mind? That could never be.
194 For I have often heard that—as they say Democritus

relictum esse dicunt—sine inflammatione animorum exsistere posse, et sine quodam afflatu quasi furoris.

XLVII. Qua re nolite existimare me ipsum, qui non heroum veteres casus fictosque luctus vellem imitari atque adumbrare dicendo, neque actor essem alienae personae, sed auctor meae, cum mihi M'. Aquilius in civitate retinendus esset, quae in illa causa pero-
195 randa fecerim, sine magno dolore fecisse. Quem enim ego consulem fuisse, imperatorem, ornatum a Senatu, ovantem in Capitolium ascendisse meminissem, hunc cum afflictum, debilitatum, maerentem, in summum discrimen adductum viderem, non prius sum conatus misericordiam aliis commovere, quam misericordia sum ipse captus. Sensi equidem tum magnopere moveri iudices, cum excitavi maestum ac sordidatum senem et cum ista feci, quae tu, Crasse, laudas, non arte, de qua quid loquar nescio, sed motu magno animi ac dolore, ut discinderem
196 tunicam, ut cicatrices ostenderem. Cum C. Marius maerorem orationis meae praesens ac sedens multum lacrimis suis adiuvaret, cumque ego illum crebro appellans collegam ei suum commendarem atque ipsum advocatum ad communem imperatorum fortunam defendendam invocarem, non fuit haec sine meis lacrimis, non sine dolore magno miseratio, omniumque deorum et hominum et civium et sociorum imploratio; quibus omnibus verbis, quae a

[a] Aquilius was consul in 101 B.C. After suppressing the Servile War in Sicily, he was prosecuted in 98 B.C. for extortion, but successfully defended by Antonius (*cf.* § 188).

[b] Marius was consul for the fifth time in 101 B.C.

and Plato have left on record—no man can be a good poet who is not on fire with passion, and inspired by something very like frenzy.

Instance of Antonius himself, in cases of Aquilius and Norbanus.

XLVII. "Do not suppose then that I myself, though not concerned to portray and reproduce in language the bygone misfortunes and legendary griefs of heroes, and though presenting my own personality and not representing another's, did without profound emotion the things I did when closing that famous case,[a] in which my task was to
195 maintain Manius Aquilius in his civic rights. For here was a man whom I remembered as having been consul, commander-in-chief, honoured by the Senate, and mounting in procession to the Capitol; on seeing him cast down, crippled, sorrowing and brought to the risk of all he held dear, I was myself overcome by compassion before I tried to excite it in others. Assuredly I felt that the Court was deeply affected when I called forward my unhappy old client, in his garb of woe, and when I did those things approved by yourself, Crassus—not by way of technique, as to which I know not what to say, but under stress of deep emotion and indignation—I mean my tear-
196 ing open his tunic and exposing his scars. While Gaius Marius, from his seat in court, was strongly reinforcing, by his weeping, the pathos of my appeal, and I, repeatedly naming him, was committing his colleague[b] to his care, and calling upon him to speak himself in support of the common interests of commanders-in-chief, all this lamentation, as well as my invocation of every god and man, every citizen and ally, was accompanied by tears and vast indignation on my own part; had my personal indignation been missing from all the talking I did

me tum sunt habita, si dolor afuisset meus, non modo non miserabilis, sed etiam irridenda fuisset oratio mea. Quam ob rem hoc vos doceo, Sulpici, bonus ego videlicet atque eruditus magister, ut in dicendo irasci, ut dolere, ut flere possitis.

197 Quanquam te quidem quid hoc doceam, qui in accusando sodali et quaestore meo tantum incendium non oratione solum, sed etiam multo magis vi et dolore et ardore animi concitaras, ut ego ad id restinguendum vix conarer accedere? Habueras enim tum omnia in causa superiora: vim, fugam, lapidationem, crudelitatem tribuniciam in Caepionis gravi miserabilique casu, in iudicium vocabas; deinde principem et senatus et civitatis, M. Aemilium, lapide percussum esse constabat; vi pulsum ex templo L. Cottam, et T. Didium, cum intercedere vellent rogationi, nemo poterat negare.

198 XLVIII. Accedebat, ut haec tu adolescens pro re publica queri summa cum dignitate existimarere; ego, homo censorius, vix satis honeste viderer seditiosum civem et in hominis consularis calamitate crudelem posse defendere. Erant optimi cives iudices, bonorum virorum plenum forum, vix ut mihi tenuis quaedam venia daretur excusationis, quod tamen eum defenderem, qui mihi quaestor fuisset. Hic ego quid dicam me artem aliquam adhibuisse?

[a] *i.e.* Gaius Norbanus, who had been Antonius's quaestor in 103 B.C. (*cf.* Book II, §§ 89, 107, 124). Q. Servilius Caepio, as proconsul in Gaul, had been the main cause of the crushing defeat inflicted upon the Roman army by the Cimbri at Arausio. Being subsequently prosecuted and condemned for his treason and embezzlement in Gaul, he was exiled. Norbanus had been active in the proceedings against him, and this led to the prosecution of Norbanus himself by the aristocrats in 95 B.C., when Antonius conducted his defence, as here described.

on that occasion, my address, so far from inspiring compassion, would positively have deserved ridicule. And so I am telling you this, Sulpicius, as naturally such a kindly and accomplished teacher would do, in order to help you to be wrathful, indignant and tearful in your speech-making.

197 "But why indeed should I teach this to you, who, in prosecuting my comrade and quaestor,[a] had kindled such a blaze, not by eloquence only, but far more by vehemence, indignation and fiery enthusiasm, that I hardly ventured to draw near and put it out? For all the advantages in that case had been yours: you were citing to the Court the violence, the flight, the stone-throwing and the tribunes' ruthlessness that marked the disastrous and lamentable affair of Caepio; then too it was established that Marcus Aemilius, chief of Senate and chief of State, had been struck by a stone, while it was undeniable that Lucius Cotta and Titus Didius, on trying to veto a resolution, had been forcibly driven from sanctuary.

198 XLVIII. "In the result, while you, only a stripling, were thought to be conducting this public prosecution with consummate distinction, I, a past censor, was thought to be acting not quite honourably in bearing to defend a factious citizen, who moreover had been merciless to a past consul in distress. Citizens of the best repute formed the tribunal; men of respectability crowded the Court; so that I had difficulty in winning a grudging sort of acceptance of my plea that at any rate my client was my old quaestor. In these circumstances how can I say

Quid fecerim, narrabo; si placuerit, vos meam defensionem in aliquo artis loco reponetis.

199 Omnium seditionum genera, vitia, pericula collegi, eamque orationem ex omni rei publicae nostrae temporum varietate repetivi, conclusique ita, ut dicerem, etsi omnes semper molestae seditiones fuissent, iustas tamen fuisse non nullas et prope necessarias. Tum illa, quae modo Crassus commemorabat, egi: neque reges ex hac civitate exigi, neque tribunos plebis creari, neque plebiscitis toties consularem potestatem minui, neque provocationem, patronam illam civitatis ac vindicem libertatis, populo Romano dari sine nobilium dissensione potuisse; ac, si illae seditiones saluti huic civitati fuissent, non continuo, si quis motus populi factus esset, id C. Norbano in nefario crimine atque in fraude capitali esse ponendum. Quodsi unquam populo Romano concessum esset, ut iure concitatus videretur, id quod docebam saepe esse concessum, nullam illa causam iustiorem fuisse. Tum omnem orationem traduxi et converti in increpandam Caepionis fugam, in deplorandum interitum exercitus: sic et eorum dolorem, qui lugebant suos, oratione refricabam, et animos equitum Romanorum, apud quos tum iudices causa agebatur, ad

I used any particular technique? What I did I will relate, if you think fit, you will give my line of defence some place or other in your system.

199 "I classified all the types of civil discord, their weaknesses and dangers, and that part of my speech I derived from all the vicissitudes in the history of our own community, winding up with the assertion that civil discords, though always troublesome, had yet sometimes been justifiable and well-nigh unavoidable. Next I discussed the considerations lately recalled by Crassus; how that neither the expulsion of kings from this State, nor the establishment of tribunes of the commons, nor the frequent restriction of the consuls' power by decrees of the commons, nor the bestowal upon the Roman People of the right of appeal, that famous buttress of the State and defence of freedom, could any of them have been effected without aristocratic opposition; and that, if those particular civil discords had been beneficial to our community, the mere fact of a popular movement having been caused must not instantly be counted against Gaius Norbanus for heinous wickedness and indeed a capital offence. That if rightfulness had ever been conceded to an incitement of the Roman People to sedition,—a concession which I was showing to have been frequent—, there had never been a juster cause than this one. After that I altered my course and turned my entire speech into a denunciation of the running-away of Caepio and a lament for the destruction of his army: in this way, besides chafing anew by my words the sores of people mourning for their own folk, I was kindling the feelings of the Roman Knights, who constituted the Court I was addressing, into fresh

Q. Caepionis odium, a quo erant ipsi propter iudicia abalienati, renovabam.

200 XLIX. Quod ubi sensi me in possessione iudicii ac defensionis meae constitisse, quod et populi benevolentiam mihi conciliaram, cuius ius etiam cum seditionis coniunctione defenderam, et iudicum animos totos vel calamitate civitatis vel luctu ac desiderio propinquorum vel odio proprio in Caepionem ad causam nostram converteram, tum admiscere huic generi orationis vehementi atque atroci genus illud alterum, de quo ante disputavi, lenitatis et mansuetudinis coepi: me pro meo sodali, qui mihi in liberum loco more maiorum esse deberet, et pro mea omni fama prope fortunisque decernere; nihil mihi ad existimationem turpius, nihil ad dolorem acerbius accidere posse, quam si is, qui saepe alienissimis a me, sed meis tamen civibus, saluti existimarer fuisse,

201 sodali meo auxilium ferre non potuissem. Petebam a iudicibus, ut illud aetati meae, ut honoribus, ut rebus gestis, si iusto, si pio dolore me esse affectum viderent, concederent; praesertim si in aliis causis intellexissent omnia me semper pro amicorum periculis, nihil unquam pro me ipso deprecatum. Sic in illa omni defensione atque causa, quod esse in arte positum videbatur, ut de lege Appuleia dicerem, ut quid esset minuere maiestatem explicarem, perquam breviter perstrinxi atque attigi. His duabus partibus orationis,

[a] Caepio in 106 B.C. had proposed to deprive the *equites* of their monopoly of the jury functions, and to have the tribunals composed of senators and *equites* in equal proportions.

[b] See Book II, § 107 n. *b*.

hatred of Quintus Caepio, from whom they had been estranged already over the composition of the criminal Courts.[a]

200 XLIX. "But when I felt I had a firm hold on the Court and on my line of defence, and I had won the goodwill of the public, whose claims I had upheld even when involved with civil discord, and I had turned all hearts on the tribunal in favour of my cause, by reason either of the national disaster, or of yearning grief for kindred, or of private hatred of Caepio, then I began to blend with this impetuous and violent type of oratory that other mild and gentle type, which I have already discussed, pleading that I was fighting for my comrade, who by ancestral tradition should stand in a filial relation to myself, and also (I might say) for my own fair fame and general welfare; no happening could more deeply disgrace my reputation, or cause me more bitter sorrow, than for it to be thought that I, so often the saviour of complete strangers to myself, provided only they were my fellow-citizens, had been unable

201 to aid my own comrade. I begged the Court, should they see me affected by justifiable and loyal grief, to excuse this in consideration of my years, official career and achievements, particularly if, in the course of other trials, they had observed that I always made my petitions on behalf of friends in jeopardy, never for myself. Thus all through that speech for the defence, and indeed the trial itself, it was in the fewest possible words that I glanced over and lightly touched the matters which seemed dependent upon scientific treatment, I mean my discussion of the Statute of Appuleius,[b] and my exposition of the nature of treason. By means of these two modes

quarum altera concitationem habet, altera commendationem, quae minime praeceptis artium sunt perpolitae, omnis est a me illa causa tractata, ut et acerrimus in Caepionis invidia renovanda et in meis moribus erga meos necessarios declarandis mansuetissimus viderer. Ita magis affectis animis iudicum quam doctis, tua, Sulpici, est a nobis tum accusatio victa.

202 L. Hic Sulpicius: Vere hercle, inquit, Antoni, ista commemoras; nam ego nihil unquam vidi, quod tam e manibus elaberetur, quam mihi tum est elapsa illa causa. Cum enim, quem ad modum dixisti, tibi ego non iudicium, sed incendium tradidissem, quod tuum principium, di immortales, fuit! Qui timor! Quae dubitatio! Quanta haesitatio tractusque verborum! Ut illud initio, quod tibi unum ad ignoscendum homines dabant, tenuisti, te pro homine pernecessario, quaestore tuo, dicere! Quam tibi primum
203 munisti ad te audiendum viam! Ecce autem, cum te nihil aliud profecisse arbitrarer, nisi ut homines tibi civem improbum defendenti ignoscendum propter necessitudinem arbitrarentur, serpere occulte coepisti, nihildum aliis suspicantibus, me vero iam pertimescente, ut illam non Norbani seditionem, sed Populi Romani iracundiam neque eam iniustam, sed meritam ac debitam fuisse defenderes. Deinde qui locus a te praetermissus est in Caepionem? Ut tu illa omnia odio, invidia, misericordia miscuisti! Neque haec solum in defensione, sed etiam in Scauro ce-

of speech, the one inflammatory, the other eulogistic, and neither of them much elaborated by rules of art, I so managed the whole of that case as to seem most passionate when reviving hatred of Caepio, and mildest when describing my conduct towards my own connexions. So, Sulpicius, it was rather by working upon, than by informing, the minds of the tribunal, that I beat your prosecution on that occasion."

Sulpicius testifies to Antonius's success in the latter case.

202 L. Here Sulpicius observed, "Upon my word, Antonius, your account of those matters is true, for never did I see anything slip through the fingers in the way that verdict slipped that day through mine. For when (as you told us) I had left you with a conflagration rather than a case to dispose of,—ye Gods! —what an opening you made! How nervous, how irresolute you seemed! How stammering and halting was your delivery! How you clung at the outset to the solitary excuse everyone was making for you —that you were defending your own familiar friend and quaestor! So, in the first place, did you prepare
203 the way towards getting a hearing! Then, just as I was deciding that you had merely succeeded in making people think intimate relationship a possible excuse for your defending a wicked citizen,—lo and behold!—so far unsuspected by other people, but already to my own serious alarm, you began to wriggle imperceptibly into your famous defence, of no factious Norbanus, but of an incensed Roman People, whose wrath, you urged, was not wrongful, but just and well-deserved. After that what point against Caepio did you miss? How you leavened every word with hatred, malice and pathos! And all this not only in your speech for the defence, but

terisque meis testibus, quorum testimonia non refellendo, sed ad eundem impetum populi confugiendo refutasti. Quae cum abs te modo commemora-
204 rentur, equidem nulla praecepta desiderabam; ipsam tamen istam demonstrationem defensionum tuarum abs te ipso commemoratam doctrinam esse non mediocrem puto.

Atqui, si ita placet, inquit Antonius, trademus etiam, quae nos sequi in dicendo quaeque maxime spectare solemus; docuit enim iam nos longa vita ususque rerum maximarum, ut quibus rebus animi hominum moverentur teneremus.

205 LI. Equidem primum considerare soleo, postuletne causa; nam neque parvis in rebus adhibendae sunt hae dicendi faces neque ita animatis hominibus, ut nihil ad eorum mentes oratione flectendas proficere possimus, ne aut irrisione aut odio digni putemur, si aut tragoedias agamus in nugis aut convellere adoria-
206 mur ea, quae non possint commoveri. Iam[1] quoniam haec fere maxime sunt in iudicum animis, aut quicumque illi erunt, apud quos agemus, oratione molienda, amor, odium, iracundia, invidia, misericordia, spes, laetitia, timor, molestia, sentimus amorem conciliari, si id videare, quod sit utile ipsis, apud quos agas, defendere, aut si pro bonis viris aut certe pro eis, qui illis boni atque utiles sint, laborare. Namque haec res amorem magis conciliat, illa virtutis defensio caritatem; plusque proficit, si proponitur spes utilitatis futurae quam praeteriti beneficii com-
207 memoratio. Enitendum est, ut ostendas in ea re,

[1] Iam. *Madvig's correction for the inappropriate* Nam *of the* MSS.

[a] Reading *aut si* for the *si aut* of the MSS.

also in your handling of Scaurus and the rest of my witnesses, whose evidence you rebutted by no disproof, but by fleeing for refuge to that same national
204 outbreak. When just now you were reminding us of these things, I certainly felt no need of any maxims, for that actual reproduction, in your own words, of your methods of defence is to my mind the most instructive of teaching."

Rules and cautions for emotional oratory.

"For all that," answered Antonius, "we will, if you please, go on to set forth the principles we generally adopt in speaking, and the points we chiefly keep in view: for a long career and experience in the most weighty affairs have taught us, by this time, to hold fast to the ways of stirring the feelings of mankind.

205 LI. "My own practice is to begin by reflecting whether the case calls for such treatment; for these rhetorical fireworks should not be used in petty matters, or with men of such temper that our eloquence can achieve nothing in the way of influencing their minds, unless we would be deemed fit objects of ridicule, or even of disgust, as indulging in heroics over trifles, or setting out to uproot the immovable.
206 Now, since the emotions which eloquence has to excite in the minds of the tribunal, or whatever other audience we may be addressing, are most commonly love, hate, wrath, jealousy, compassion, hope, joy, fear or vexation, we observe that love is won if you are thought to be upholding the interests of your audience, or[a] to be working for good men, or at any rate for such as that audience deems good and useful. For this last impression more readily wins love, and the protection of the righteous esteem; and the holding-out of a hope of advantage to come is more
207 effective than the recital of past benefit. You must

quam defendas, aut dignitatem inesse aut utilitatem, eumque, cui concilies hunc amorem, significes nihil ad utilitatem suam rettulisse ac nihil omnino fecisse causa sua. Invidetur enim commodis hominum ipsorum, studiis autem eorum ceteris commodandi favetur.

208 Videndumque hoc loco est, ne, quos ob benefacta diligi volemus, eorum laudem atque gloriam, cui maxime invideri solet, nimis efferre videamur. Atque eisdem his ex locis et in alios odium struere discemus et a nobis ac nostris demovere; eademque haec genera tractanda sunt in iracundia vel excitanda vel sedanda. Nam si, quod ipsis, qui audiunt, perniciosum aut inutile sit, id factum augeas, odium creatur; sin, quod aut in bonos viros aut in eos, in quos minime quisque debuerit, aut in rem publicam, tum excitatur, si non tam acerbum odium, tamen aut invidiae aut
209 odii non dissimilis offensio. Item timor incutitur aut ex ipsorum periculis aut ex communibus: interior est ille proprius, sed hic quoque communis ad eandem similitudinem est perducendus.

LII. Par atque una ratio est spei, laetitiae, molestiae; sed haud sciam an acerrimus longe sit omnium motus invidiae nec minus virium opus sit in ea comprimenda quam in excitanda. Invident autem homines maxime paribus aut inferioribus, cum se relictos sentiunt, illos autem dolent evolasse; sed

struggle to reveal the presence, in the cause you are upholding, of some merit or usefulness, and to make it plain that the man, for whom you are to win this love, in no respect consulted his own interests and did nothing at all from personal motives. For men's private gains breed jealousy, while their zeal for others' service is applauded.

208 "And here we must be watchful, not to seem to extol unduly the merits and renown—jealousy's favourite target—of those whom we would have beloved for their good works. Then too, from these same commonplaces, we shall learn as well to instigate hatred of others as to turn it away from ourselves and our clients: and these same general heads are to be employed in kindling and also in assuaging wrath. For, if you glorify the doing of something ruinous or unprofitable to your particular audience, hate is engendered: while, if it be something done against good men in general, or those to whom the particular doer should never have done it, or against the State, no such bitter hate is excited, but a disgust
209 closely resembling ill-will or hate. Fear again is struck from either the perils of individuals or those shared by all: that of private origin goes deeper, but universal fear also is to be traced to a similar source.

LII. "The treatment of hope, joy and vexation is similar to this, and identical in each case, but I rather think that the emotion of jealousy is by far the fiercest of all, and needs as much energy for its repression as for its stimulation. Now people are especially jealous of their equals, or of those once beneath them, when they feel themselves left behind and fret at the others' upward flight; but jealousy

Prevalence of jealousy

etiam superioribus invidetur saepe vehementer et eo magis, si intolerantius se iactant et aequabilitatem iuris praestantia dignitatis aut fortunae suae transeunt; quae si inflammanda sunt, maxime dicendum est non esse virtute parta, deinde etiam vitiis atque peccatis, tum, si erunt honestiora atque graviora, tamen non esse tanta illa merita, quanta
210 insolentia hominis quantumque fastidium. Ad sedandum autem, magno illa labore, magnis periculis esse parta nec ad suum commodum, sed ad aliorum esse collata; eumque si quam[1] gloriam peperisse videatur, tamenetsi ea non sit iniqua merces periculi, tamen ea non delectari totamque abicere atque deponere; omninoque perficiendum est, quoniam plerique sunt invidi maximeque hoc est commune vitium et pervagatum, invidetur autem praestanti florentique fortunae, ut haec opinio minuatur et illa excellens opinione fortuna cum laboribus et
211 miseriis permixta esse videatur. Iam misericordia movetur, si is, qui audit, adduci potest, ut illa, quae de altero deplorentur, ad suas res revocet, quas aut tulerit acerbas aut timeat, aut intuens alium crebro ad se ipsum revertatur. Ita cum singuli casus humanarum miseriarum graviter accipiuntur, si dicuntur dolenter, tum afflicta et prostrata virtus maxime luctuosa est. Et, ut illa altera pars orationis, quae probitatis commendatione

[1] *Piderit:* collataque suam.

of their betters also is often furious, and all the more so if these conduct themselves insufferably, and overstep their rightful claims on the strength of pre-eminent rank or prosperity; if these advantages are to be made fuel for jealousy, it should before all be pointed out that they were not the fruit of merit; next that they even came by vice and wrongdoing, finally that the man's deserts, though creditable and impressive enough, are still exceeded by his arro-
210 gance and disdain. To quench jealousy, on the other hand, it is proper to emphasize the points that those advantages were the fruit of great exertion and great risks, and were not turned to his own profit but to that of other people; and that, as for any renown he himself may seem to have won, though no unfair recompense for his risk, he nevertheless finds no pleasure therein, but casts it aside and disclaims it altogether: and we must by all means make sure (since most people are jealous, and this failing is remarkably general and widespread, while jealousy is attracted by surpassingly brilliant prosperity) that the belief in such prosperity shall be weakened, and that what was supposed to be outstanding prosperity shall be seen to be thoroughly blended with labour
211 and sorrow. Lastly compassion is awakened if the hearer can be brought to apply to his own adversities, whether endured or only apprehended, the lamentations uttered over someone else, or if, in his contemplation of another's case, he many a time goes back to his own experience. Thus, while particular occasions of human distress are deeply felt, if described in moving terms, the dejection and ruin of the righteous are especially lamentable. And, just as that other kind of style, which by bearing witness

Appeals to compassion.

boni viri debet speciem tueri, lenis, ut saepe iam dixi, atque summissa, sic haec, quae suscipitur ab oratore ad commutandos animos atque omni ratione flectendos, intenta ac vehemens esse debet.

212 LIII. Sed est quaedam in his duobus generibus, quorum alterum lene, alterum vehemens esse volumus, difficilis ad distinguendum similitudo. Nam et ex illa lenitate, qua conciliamur eis, qui audiunt, ad hanc vim acerrimam, qua eosdem excitamus, influat oportet aliquid, et ex hac vi nonnunquam animi aliquid inflammandum est illi lenitati; neque est ulla temperatior oratio quam illa, in qua asperitas contentionis oratoris ipsius humanitate conditur, remissio autem lenitatis quadam gravitate et contentione firmatur.

213 In utroque autem genere dicendi, et illo, in quo vis atque contentio quaeritur, et hoc, quod ad vitam et mores accommodatur, et principia tarda sunt et exitus tamen spissi et producti esse debent. Nam neque assiliendum statim est ad genus illud orationis; abest enim totum a causa, et homines prius ipsum illud, quod proprium sui iudicii est, audire desiderant; nec cum in eam rationem ingressus sis, celeriter
214 discedendum est. Non enim, sicut argumentum, simul atque positum est, arripitur, alterumque et tertium poscitur, ita misericordiam aut invidiam aut iracundiam, simul atque intuleris, possis commovere. Argumentum enim ratio ipsa confirmat, idque, simul atque

to the speaker's integrity is to preserve the semblance of a man of worth, should be mild and gentle (as I have repeatedly said already), so this kind, assumed by the speaker in order to transform men's feelings or influence them in any desired way, should be spirited and emotional.

Conciliatory style and unhurried treatment of emotional passages.

212 LIII. "But these two styles, which we require to be respectively mild and emotional, have something in common, making them hard to keep apart. For from that mildness, which wins us the goodwill of our hearers, some inflow must reach this fiercest of passions, wherewith we inflame the same people, and again, out of this passion some little energy must often be kindled within that mildness: nor is any style better blended than that wherein the harshness of strife is tempered by the personal urbanity of the advocate, while his easy-going mildness is fortified by some admixture of serious strife.

213 "Now in both styles of speaking, the one demanding passion and strife, and the other adapted to recommendation of the speaker's life and manners, the opening of a speech is unhurried, and none the less its closing should also be lingering and long drawn-out. For you must not bound all of a sudden into that emotional style, since it is wholly alien to the merits of the case, and people long to hear first just what is peculiarly within their own cognizance, while, once you have assumed that style, you must
214 not be in a hurry to change it. For you could not awaken compassion, jealousy or wrath at the very instant of your onset, in the way that a proof is seized upon as soon as propounded, and a second and third called for. This is because the hearer's mentality corroborates the proof, and no sooner is

emissum est, adhaerescit; illud autem genus orationis non cognitionem iudicis, sed magis perturbationem requirit, quam consequi nisi multa et varia et copiosa oratione, et simili contentione actionis,
215 nemo potest. Quare qui aut breviter aut summisse dicunt, docere iudicem possunt, commovere non possunt; in quo sunt omnia.

Iam illud perspicuum est, omnium rerum in contrarias partes facultatem ex eisdem suppeditari locis. Sed argumento resistendum est aut eis, quae comprobandi eius causa sumuntur, reprehendendis, aut demonstrando, id, quod concludere illi velint, non effici ex propositis nec esse consequens; aut, si ita non refellas, afferendum est in contrariam partem, quod
216 sit aut gravius aut aeque grave. Illa autem, quae aut conciliationis causa leniter, aut permotionis vehementer aguntur, contrariis commotionibus auferenda sunt, ut odio benevolentia, misericordia invidia tollatur.

LIV. Suavis autem est et vehementer saepe utilis iocus et facetiae; quae, etiamsi alia omnia tradi arte possunt, naturae sunt propria certe neque ullam artem desiderant. In quibus tu longe aliis mea sententia, Caesar, excellis, quo magis mihi etiam aut testis esse potes nullam esse artem salis aut, si qua est, eam tu potissimum nos docebis.
217 Ego vero, inquit Caesar, omni de re facetius puto posse ab homine non inurbano, quam de ipsis facetiis disputari. Itaque cum quosdam Graecos inscriptos libros esse vidissem DE RIDICULIS, non-

it uttered than it is sticking in his memory, whereas that passionate style searches out an arbitrator's emotional side rather than his understanding, and that side can only be reached by diction that is rich, diversified and copious, with animated delivery to
215 match. Thus concise or quiet speakers may inform an arbitrator, but cannot excite him, on which excitement everything depends.

Argument to be met by argument, appeal to emotion by exciting the contrary.

"By this time it is plain that the power to argue both sides of every question is abundantly furnished from the same commonplaces. But your opponents' proof must be countered, either by contradicting the arguments chosen to establish it, or by showing that their desired conclusion is not supported by their premisses and does not follow therefrom; or, if you do not so rebut it, you must adduce on the opposite
216 side some proof of greater or equal cogency. Lastly appeals, whether mild or passionate, and whether for winning favour or stirring the feelings, must be swept aside by exciting the opposite impressions, so that goodwill may be done away with by hate, and compassion by jealousy.

Employment of wit.

LIV. "Jesting too and shafts of wit are agreeable and often highly effective: but these, even if all else can be taught by art, are assuredly the endowment of nature and in no need of art. To my mind, Caesar, you far surpass all others in this field, so that you are also the better able to bear me witness that no art of pleasantry exists, or, if any such there be, you will
217 best teach it to us." "For my part," returned Caesar, "I hold that a man with any tincture of humour in him can discuss anything in the world more wittily than actual witticisms. Thus, on seeing sundry Greek books entitled *Concerning the Laughable*,

Wit a natural gift; its two kinds.

nullam in spem veneram posse me ex eis aliquid discere; inveni autem ridicula et salsa multa Graecorum; nam et Siculi in eo genere et Rhodii et Byzantii et praeter ceteros Attici excellunt; sed qui eius rei rationem quandam conati sunt artemque tradere, sic insulsi exstiterunt, ut nihil aliud eorum
218 nisi ipsa insulsitas rideatur. Quare mihi quidem nullo modo videtur doctrina ista res posse tradi. Etenim cum duo genera sint facetiarum, alterum aequabiliter in omni sermone fusum, alterum peracutum et breve, illa a veteribus superior cavillatio, haec altera dicacitas nominata est. Leve nomen
219 habet utraque res! quippe leve enim est totum hoc risum movere. Verum tamen, ut dicis, Antoni, multum in causis persaepe lepore et facetiis profici vidi. Sed cum illo in genere perpetuae festivitatis ars non desideretur (natura enim fingit homines et creat imitatores et narratores facetos, adiuvante et voltu et voce et ipso genere sermonis), tum vero in hoc altero dicacitatis quid habet ars loci, cum ante illud facete dictum emissum haerere debeat, quam cogitari
220 potuisse videatur? Quid enim hic meus frater ab arte adiuvari potuit, cum a Philippo interrogatus quid latraret, furem se videre respondit? Quid in omni oratione Crassus vel apud centumviros contra Scaevolam vel contra accusatorem Brutum, cum pro Cn. Planco diceret? Nam id, quod tu mihi tribuis, Antoni, Crasso est omnium sententia concedendum. Non enim fere quisquam reperietur

[a] For Philippus see Index and Book I, § 24, *supra*. 'Catulus' of course is Latin for a little dog.

I entertained the hope of being able to learn something from them, and did indeed find much in Greek life that was laughable and pungent, the inhabitants of Sicily, Rhodes, Byzantium, and particularly Athens having distinguished themselves in this kind of thing; all however who tried to teach anything like a theory or art of this matter proved themselves so conspicuously silly that their very silliness is the only laugh-
218 able thing about them. That is why I think that this accomplishment cannot possibly be imparted by teaching. For, there being two sorts of wit, one running with even flow all through a speech, while the other, though incisive, is intermittent, the ancients called the former 'irony' and the latter 'raillery.'
219 Each of these has a trivial name, but then of course all this business of laughter-raising is trivial. For all that, Antonius, as you remind me, I have very often seen much done in Court by humour and flashes of wit. But, while Art is not wanted in that continuous sort of jocularity (since Nature moulds mankind, and produces mimics and witty story-tellers, helped by their features, intonation and individual style of speaking), what room, pray, is there for Art in raillery, that other sort, wherein the shaft of wit has to be sped and hit its mark, with no palpable pause for
220 thought? For what help could my brother here have got from Art, when Philippus [a] inquired of him, 'What are you barking at, Master Puppy,' and he answered, 'I see a thief'? Or what help could Crassus have so got, all through his reply to Scaevola before the Hundred Commissioners, or his defence of Gnaeus Plancus, when prosecuted by Brutus? In fact, Antonius, the tribute you pay me ought, by unanimous verdict, to be yielded to Crassus. For

Illustrations of wit.

praeter hunc in utroque genere leporis excellens, et illo quod in perpetuitate sermonis, et hoc quod in
221 celeritate atque dicto est. Nam haec perpetua contra Scaevolam Curiana defensio tota redundavit hilaritate quadam et ioco; dicta illa brevia non habuit. Parcebat enim adversarii dignitati, in quo ipse conservabat suam; quod est hominibus facetis et dicacibus difficillimum, habere hominum rationem et temporum et ea, quae occurrant, cum salsissime
222 dici possint, tenere. Itaque nonnulli ridiculi homines hoc ipsum non insulse interpretantur dicere[1] Ennium, flammam a sapiente facilius ore in ardente opprimi, quam bona dicta teneat; haec scilicet bona dicta, quae salsa sint; nam ea dicta appellantur proprio iam nomine.

LV. Sed ut in Scaevolam continuit ea Crassus atque in illo altero genere, in quo nulli aculei contumeliarum inerant, causam illam disputationemque lusit, sic in Bruto, quem oderat et quem dignum contumelia iudicabat, utroque genere pugnavit.
223 Quam multa de balneis, quas nuper ille vendiderat, quam multa de amisso patrimonio dixit! Atque illa brevia, cum ille diceret se sine causa sudare, 'minime mirum,' inquit, 'modo enim existi de balneis.' Innumerabilia talia fuerunt, sed non minus iucunda illa perpetua. Cum enim Brutus duo lectores

[1] *Piderit:* dicere enim aiunt.

[a] For the famous 'causa Curiana,' see Book I, § 180, II, §§ 140 f.

scarcely a single other speaker is to be found, who is outstanding in both kinds of humour, the one displayed all through a continuous discourse, the other
221 in instantaneous bons-mots. For that continuous speech, on behalf of Curius[a] and in reply to Scaevola, overflowed throughout with unmistakable mirth and jocularity; of those sudden shafts it contained none. For the speaker was sparing his opponent's reputation, and in so doing was maintaining his own, because it is a most difficult thing for men given to wit and raillery to have regard to personages and occasions, and to refrain from making observations which suggest themselves, when these could be brought out
222 with most pungent effect. So true is this that sundry jesters explain it (shrewdly enough) as being exactly what Ennius speaks of, when he says that 'it is easier for a wise man to stifle a flame within his burning mouth than to keep words of worth to himself,' 'worth' in this passage of course meaning 'pungency,' for such sayings are now known by a name of their own.

Skilful use of wit by Crassus.

LV. "But although against Scaevola Crassus suppressed those shafts, and in fact romped through his argument and the whole of the trial in that other mode, which involved no stinging invective, yet when encountering Brutus, whom he detested and deemed deserving of invective, he fought in both modes.
223 How much he had to say about the baths then recently sold by his adversary, and about his wasted heritage! Those repartees too! as when Brutus declared himself to be sweating all for nothing and the other retorted 'Likely enough, for you are just ousted from your sweating-room!' Such shots were countless, but his continuous vein was just as pleasing. For

excitasset et alteri de colonia Narbonensi Crassi orationem legendam dedisset, alteri de lege Servilia, et cum contraria inter sese de re publica capita contulisset, noster hic facetissime tres patris Bruti de
224 iure civili libellos tribus legendos dedit. Ex libro primo: 'Forte evenit, ut in Privernati essemus.' 'Brute, testificatur pater se tibi Privernatem fundum reliquisse.' Deinde ex libro secundo: 'In Albano eramus ego et Marcus filius.' 'Sapiens videlicet homo cum primis nostrae civitatis norat hunc gurgitem; metuebat, ne, cum is nihil haberet, nihil esse ei relictum putaretur.' Tum ex libro tertio, in quo finem scribendi fecit—tot enim, ut audivi Scaevolam dicere, sunt veri Bruti libri—'In Tiburti forte assedimus ego et Marcus filius.' 'Ubi sunt hi fundi, Brute, quos tibi pater publicis commentariis consignatos reliquit? Quod nisi puberem te, inquit, iam haberet, quartum librum composuisset et se etiam in balneis lotum cum filio scriptum reliquisset.'

225 Quis est igitur, qui non fateatur, hoc lepore atque his facetiis non minus refutatum esse Brutum quam illis tragoediis, quas egit idem, cum casu in eadem causa funere efferretur anus Iunia? Pro di

[a] For a boy of fourteen or more to bathe in his father's company was considered indecorous.

after Brutus had summoned a couple of readers, and handed them a speech of Crassus apiece to recite, one on the Narbonian settlement and the other on the Statute of Servilius, and had himself noted some inconsistencies in their accounts of affairs of State, our friend here most humorously delivered to three of these people for recital three pamphlets on the
224 common law by Brutus the elder. On an extract from the first book, 'It chanced that we were in the Privernian district,' his comment was, 'Brutus, your father bears witness that he has bequeathed you an estate at Privernum.' Next, at the citation from the second book, 'I and my son Marcus were on the Alban Hills,' he observed, 'See how a man as shrewd as any in our community had discerned the nature of this devouring gulf; he was afraid that, when he had nothing left, it might be thought that nothing had been bequeathed to him.' Finally, on the words 'I and my son Marcus happened to sit down together on Tiburtine land' being read out from the third and concluding book (for I have heard Scaevola say that the authentic volumes of Brutus are three in number), Crassus exclaimed, 'Where are these estates, Brutus, which your father registered in his public memoirs as bequeathed to you? Why,' he went on, 'had you not already turned fourteen, he would have put together a fourth book, leaving it on record that he had also washed in his son's company at those baths!' [a]

225 "Who then would deny that this pleasantry and these witticisms had as much to do with the repulse of Brutus as those histrionics gone through by our same friend when, during the same trial, it happened that the aged Junia was carried forth in funeral pro-

immortales, quae fuit illa, quanta vis! quam inexspectata! quam repentina! cum coniectis oculis, gestu omni ei imminenti, summa gravitate et celeritate verborum 'Brute, quid sedes? Quid illam anum patri nuntiare vis tuo? quid illis omnibus, quorum imagines duci vides? quid maioribus tuis? quid L. Bruto, qui hunc populum dominatu regio liberavit? Quid te agere? Cui rei, cui gloriae, cui virtuti studere? Patrimonione augendo? At id non est nobilitatis, sed fac esse, nihil superest; libi-
226 dines totum dissipaverunt. An iuri civili? est paternum. Sed dicet te, cum aedes venderes, ne in rutis quidem et caesis solium tibi paternum recepisse. An rei militari? Qui nunquam castra videris! An eloquentiae? quae nulla est in te, et, quicquid est vocis ac linguae, omne in istum turpissimum calumniae quaestum contulisti! Tu lucem aspicere audes? tu hos intueri? tu in foro, tu in urbe, tu in civium esse conspectu? Tu illam mortuam, tu imagines ipsas non perhorrescis? quibus non modo imitandis, sed ne collocandis quidem tibi locum ullum reliquisti.'

227 LVI. Sed haec tragica atque divina; faceta autem et urbana innumerabilia ex una contione meministis.

---

[a] In Roman Law minerals already quarried and timber already felled were deemed to be excepted from the sale of a farm, unless expressly included.

cession? Ha! ye deathless gods! what boundless vigour he displayed! and how sudden and unlooked-for it was! when, with piercing gaze, with menace in his every motion, in the severest tones, and in a torrent of words he declaimed: 'Brutus, why seated? What news would you have that venerable dame carry to your sire? to all those whose busts you behold borne along? to your ancestors? to Lucius Brutus, who freed this community from the tyranny of the kings? What shall she tell them you are doing? What affairs, what glorious deeds, what worthy ends are you busied with? Is it increasing your heritage? That is no occupation for the nobly-born, but—assuming it were so—you have nothing left to increase; sensuality has squandered
226 every shilling. Are you cultivating the common law, your father's field? Why, Junia will report that, on selling-up your home, you did not even reserve his arm-chair for yourself, along with the quarried minerals and felled timber![a] Are you following a military career? You, who will never set eyes on a camp! Are you a devotee of eloquence? There is no spark of it about you, and any power you had of intonation or language you applied to making money by the foulest perversion of justice! Dare you behold the light of day? Or look upon this assembly? Or show yourself in Court, or within the City, or before the eyes of your fellow-citizens? Do not you tremble exceedingly at the spectacle of that dead lady? and of those same busts, you who have left yourself no room even for setting them up, much less for emulating their originals?'

227 LVI. "All this however was in the grand and inspired style, but you also recall a host of sparkling

Nec enim contentio maior unquam fuit, nec apud populum gravior oratio, quam huius contra collegam in censura nuper, neque lepore et festivitate conditior.

Quare tibi, Antoni, utrumque assentior, et multum facetias in dicendo prodesse saepe, et eas arte nullo modo posse tradi. Illud quidem admiror, te nobis in eo genere tribuisse tantum, et non huius rei quoque palmam, ut ceterarum, Crasso detulisse.

228 Tum Antonius: Ego vero ita fecissem, inquit, nisi interdum in hoc Crasso paulum inviderem: nam esse quamvis facetum atque salsum, non nimis est per se ipsum invidendum; sed, cum omnium sit venustissimus et urbanissimus, omnium gravissimum et severissimum et esse, et videri, quod isti contigit uni, id mihi vix ferendum videbatur.

229 Hic cum arrisisset ipse Crassus, Attamen, inquit Antonius, cum artem esse facetiarum, Iuli, ullam negares, aperuisti quiddam, quod praecipiendum videretur. Haberi enim dixisti rationem oportere hominum, rei, temporis, ne quid iocus de gravitate decerperet; quod quidem in primis a Crasso observari solet. Sed hoc praeceptum praetermittendarum est facetiarum, cum eis nihil opus sit; nos autem quomodo utamur, cum opus sit, quaerimus, ut in adversarium, et maxime, si eius stultitia poterit agitari, in testem stultum, cupidum, levem, si facile

[a] *i.e.* Gnaeus Domitius Ahenobarbus.

witticisms from a single harangue. For never was there a more spirited effort, or a speech more effective with the public, than that of our friend here, not long since, against his colleague [a] in the censorship, or one better tempered with charm and gaiety.

"And so, Antonius, I grant both your points, first the great and frequent utility of witticisms in oratory, secondly the absolute impossibility of learning these from art. One thing certainly surprises me, and that is your ascribing so much success in this sphere to myself, instead of awarding the prize for this, as for all else, to Crassus."

228 "I should certainly have done so," answered Antonius, "were I not now and then a little envious of Crassus in this connexion; for merely to be as witty and shrewd as you please need not excite unmeasured envy, but that the most attractive and polished of all speakers should at the same time be obviously the most impressive and austere, as has been the lot of our friend alone,—this did seem rather more than I could bear."

229 Even Crassus smiled at this, and Antonius went on, "However, Julius, though you denied the existence of any art of pleasantry, you did just start something that seemed worth teaching. For you said that regard ought to be paid to personages, topics and occasions, so that the jest should not detract from dignity; Crassus of course always observes this principle as strictly as anyone. But it is a rule for the omission of uncalled-for witticisms, whereas we seek to know how to employ witticisms when wanted, —against an enemy, for instance, and most of all, if his stupidity can be ruffled, against a stupid, biased or unreliable witness, when people seem inclined to

230 homines audituri videbuntur. Omnino probabiliora sunt, quae lacessiti dicimus, quam quae priores, nam et ingenii celeritas maior est, quae apparet in respondendo, et humanitatis est responsio. Videmur enim quieturi fuisse, nisi essemus lacessiti, ut in ista ipsa contione nihil fere dictum est ab hoc, quod quidem facetius dictum videretur, quod non provocatus responderit. Erat autem tanta gravitas in Domitio, tanta auctoritas, ut, quod esset ab eo obiectum, lepore magis elevandum, quam contentione frangendum videretur.

231 LVII. Tum Sulpicius: Quid igitur? inquit, patiemur Caesarem, qui, quanquam Crasso facetias concedit, tamen multo in eo studio magis ipse elaborat, non explicare nobis totum genus hoc iocandi, quale sit, et unde ducatur; praesertim cum tantam vim et utilitatem salis et urbanitatis esse fateatur? Quid si, inquit Iulius, assentior Antonio dicenti,
232 nullam esse artem salis? Hic cum Sulpicius reticuisset: Quasi vero, inquit Crassus, horum ipsorum, de quibus Antonius iamdiu loquitur, ars ulla sit: observatio quaedam est, ut ipse dixit, earum rerum, quae in dicendo valent; quae si eloquentes facere posset, quis esset non eloquens? Quis enim haec non vel facile, vel certe aliquo modo posset ediscere? Sed ego in his praeceptis hanc vim et hanc utilitatem esse arbitror, non ut ad reperiendum, quid dicamus, arte ducamur, sed ut ea quae natura, quae studio, quae exercitatione consequimur, aut recta esse confidamus aut prava intellegamus, cum, quo re-

230 give him a ready hearing. The things we say when exasperated are altogether more persuasive than those we say in our first attack, as greater quickness of device is shown in retort, and to retort is human. For we give the impression that we should have remained quiet, had we not been exasperated, just as, in that identical harangue, our friend here said scarcely anything we thought particularly witty, which was not said by way of retort to a challenge. Yet there was such an air of worth and distinction about Domitius, that it seemed more fitting to make light of his charges by pleasantry than to shatter them by force."

231 LVII. "How now?" interposed Sulpicius, "shall we permit Caesar, who, though yielding precedence in wit to Crassus, yet toils far harder in that field himself, to deny us a complete exposition of this type of jesting, its nature and its sources, particularly as he recognizes such power and value in pleasantry and humour?" "But suppose," said Julius, "I agree with Antonius that no art of pleasantry exists?"

Practical rules for judging witticisms.

232 Sulpicius remaining silent, Crassus observed, "An art of these things which Antonius has been discussing all this time! a practice indeed there is, as he himself told us, of observing sundry conventions serviceable to speakers, but, if this practice could impart eloquence, who would fail to be eloquent? For who could not master these conventions, either readily or at any rate in some measure? However I hold the virtue and benefit of these maxims to lie in this: we do not discover what to say by artificial devices, but, after we have learned a true standard of comparison, they assure us of the soundness, or reveal to us the weakness, of whatever resources we

233 ferenda sint, didicerimus. Quare, Caesar, ego quoque a te hoc peto, ut, si tibi videtur, disputes de hoc toto iocandi genere, quid sentias, ne qua forte dicendi pars, quoniam ita voluistis, in hoc tali coetu, atque in tam accurato sermone praeterita esse videatur. Ego vero, inquit ille, quoniam collectam a conviva, Crasse, exigis, non committam, ut, si defugerim, tibi causam aliquam dem recusandi, quanquam soleo saepe mirari eorum impudentiam, qui agunt in scena gestum, spectante Roscio; quis enim sese commovere potest, cuius ille vitia non videat? Sic ego nunc, Crasso audiente, primum loquar de facetiis, et docebo sus, ut aiunt, oratorem eum, quem cum Catulus nuper
234 audisset, 'foenum alios aiebat esse oportere.' Tum ille: Iocabatur, inquit, Catulus, praesertim cum ita dicat ipse, ut ambrosia alendus esse videatur. Verum te, Caesar, audiamus, ut ad Antonii reliqua redeamus. Et Antonius: Perpauca quidem mihi restant, inquit; sed tamen, defessus iam labore atque itinere disputationis meae, requiescam in Caesaris sermone quasi in aliquo peropportuno deversorio.

LVIII. Atqui, inquit Iulius, non nimis liberale hospitium meum dices: nam te in viam, simul ac
235 perpaulum gustaris, extrudam et eiciam. Ac, ne diutius vos demorer, de omni isto genere, quid sentiam, perbreviter exponam. De risu quinque sunt,

---

[a] Caesar refers to his forthcoming talk as if it were his contribution to a feast.

[b] See Book I, lix.-lxi.

[c] Said to have tendered advice to the Goddess of Wisdom. Compare the English proverb as to a grandchild giving its ancestress hints on egg-sucking.

[d] As seeming but brute beasts in comparison with Crassus.

233 attain by native talent, study or practice. And so, Caesar, I too beg you, if you think proper, to discuss fully this type of jesting, and to state your views, lest haply one branch of oratory should be thought to have been passed over, with your approval, in such a company as this, and in a conversation so carefully elaborated." "Assuredly, Crassus," replied Caesar, "seeing that you are collecting a boon companion's 'shot,'[a] I will not run away and so give you any occasion for complaint, although I am generally amazed at the shamelessness of those who strut the stage under the very eye of Roscius[b]; for what man can so much as stir without that artist noticing his weak points? Just so I, with Crassus in my audience, am now going to discuss witticisms for the first time and, in emulation of the proverbial hog,[c] to instruct that orator of whom, after recently hearing him, Catulus declared that 'all
234 others ought to be fed on hay.'"[d] "Catulus was speaking in jest," returned Crassus, "and the more plainly so in that his own style seems to entitle him to heavenly sustenance. But let us hear you, Caesar, and come back afterwards to what Antonius has still in hand." "In fact I have very few things left to say," observed Antonius, "but in any case I am already worn-out by my long and toilsome debate, and shall repose, while Caesar is talking, as though in a most convenient roadside inn."

LVIII. "Well then," said Julius, "you will not call my hospitality unduly generous, for I shall thrust you forth and cast you out upon the road, directly **The laughable:**
235 you have taken the tiniest taste of it. And now, to delay you no longer, I will very concisely state my views on that subject of yours in general. As

quae quaerantur: unum, quid sit; alterum, unde sit; tertium sitne oratoris, velle risum movere; quartum, quatenus; quintum, quae sint genera ridiculi.

Atque illud primum, quid sit ipse risus, quo pacto concitetur, ubi sit, quomodo exsistat, atque ita repente erumpat, ut eum cupientes tenere nequeamus, et quomodo simul latera, os, venas, vultum, oculos occupet, viderit Democritus: neque enim ad hunc sermonem hoc pertinet; et, si pertineret, nescire me tamen id non puderet quod ne illi quidem scirent, qui pollicerentur.

236 Locus autem, et regio quasi ridiculi (nam id proxime quaeritur) turpitudine et deformitate quadam continetur: haec enim ridentur vel sola, vel maxime, quae notant et designant turpitudinem aliquam non turpiter.

Est autem, ut ad illud tertium veniam, est plane oratoris movere risum; vel quod ipsa hilaritas benevolentiam conciliat ei, per quem excitata est; vel quod admirantur omnes acumen uno saepe in verbo positum maxime respondentis, nonnunquam etiam lacessentis; vel quod frangit adversarium, quod impedit, quod elevat, quod deterret, quod refutat: vel quod ipsum oratorem politum esse hominem significat, quod eruditum, quod urbanum, maximeque quod tristitiam ac severitatem mitigat et relaxat,

[a] An eminent Greek physicist of the 5th century B.C.; known as 'the laughing philosopher.'

regards laughter there are five matters for consideration: first, its nature; second, its source; third, whether willingness to produce it becomes an orator; fourth, the limits of his licence; fifth, the classification of things laughable.

"Now the first of these topics, the essential nature of laughter, the way it is occasioned, where it is seated, and how it comes into being, and bursts out so unexpectedly that, strive as we may, we cannot restrain it, and how at the same instant it takes possession of the lungs, voice, pulse, countenance and eyes,—all this I leave to Democritus[a]: for it does not concern the present conversation, and, even if it did, I should still not be ashamed to show ignorance of something which even its professed expositors do not understand. (1) its nature;

236 "Then the field or province, so to speak, of the laughable (this being our next problem), is restricted to that which may be described as unseemly or ugly; for the chief, if not the only, objects of laughter are those sayings which remark upon and point out something unseemly in no unseemly manner. (2) its province;

"And again, to come to our third topic, it clearly becomes an orator to raise laughter, and this on various grounds; for instance, merriment naturally wins goodwill for its author; and everyone admires acuteness, which is often concentrated in a single word, uttered generally in repelling, though sometimes in delivering an attack; and it shatters or obstructs or makes light of an opponent, or alarms or repulses him; and it shows the orator himself to be a man of finish, accomplishment and taste; and, best of all, it relieves dullness and tones down austerity, and, by a jest or a laugh, often dispels dis- (3) its rhetorical appropriateness;

odiosasque res saepe, quas argumentis dilui non facile est, ioco risuque dissolvit.

237 Quatenus autem sint ridicula tractanda oratori, perquam diligenter videndum est, id quod in quarto loco quaerendi posueramus. Nam nec insignis improbitas, et scelere iuncta, nec rursus miseria insignis agitata ridetur: facinorosos enim maiore quadam vi quam ridiculi vulnerari volunt; miseros illudi nolunt nisi se forte iactant. Parcendum est autem maxime caritati hominum, ne temere in eos dicas qui diliguntur.

238 LIX. Haec igitur adhibenda est primum in iocando moderatio. Itaque ea facillime luduntur, quae neque odio magno, neque misericordia maxima digna sunt. Quam ob rem materies omnis ridiculorum est in istis vitiis quae sunt in vita hominum neque carorum neque calamitosorum, neque eorum qui ob facinus ad supplicium rapiendi videntur; eaque belle agi-

239 tata ridentur. Est etiam deformitatis et corporis vitiorum satis bella materies ad iocandum; sed quaerimus idem, quod in ceteris rebus maxime quaerendum est, quatenus. In quo non modo illud praecipitur, ne quid insulse, sed etiam, si quid perridicule possis, vitandum est oratori utrumque, ne aut scurrilis iocus sit, aut mimicus. Quae cuiusmodi sint, facilius iam intellegemus, cum ad ipsa ridiculorum genera venerimus.

tasteful suggestions not easily weakened by reasonings.

237 "But the limits within which things laughable are to be handled by the orator, that fourth question we put to ourselves, is one calling for most careful consideration. For neither outstanding wickedness, such as involves crime, nor, on the other hand, outstanding wretchedness is assailed by ridicule, for the public would have the villainous hurt by a weapon rather more formidable than ridicule; while they dislike mockery of the wretched, except perhaps if these bear themselves arrogantly. And you must be especially tender of popular esteem, so that you do not inconsiderately speak ill of the well-beloved.

(4) limits of its use:

238 LIX. "Such then is the restraint that, above all else, must be practised in jesting. Thus the things most easily ridiculed are those which call for neither strong disgust nor the deepest sympathy. This is why all laughing-matters are found among those blemishes noticeable in the conduct of people who are neither objects of general esteem nor yet full of misery, and not apparently merely fit to be hurried off to execution for their crimes; and these blemishes,

(5) its objects classified

239 if deftly handled, raise laughter. In ugliness too and in physical blemishes there is good enough matter for jesting, but here as elsewhere the limits of licence are the main question. As to this, not only is there a rule excluding remarks made in bad taste, but also, even though you could say something with highly comical effect, an orator must avoid each of two dangers: he must not let his jesting become buffoonery or mere mimicking. We shall more readily understand examples of each kind when we come to the actual classification of things laughable.

Duo enim sunt genera facetiarum, quorum alterum
240 re tractatur, alterum dicto. Re, si quando quid, tanquam aliqua fabella narratur ; ut olim tu, Crasse, in Memmium, 'comedisse eum lacertum Largi,' cum esset cum eo Tarracinae de amicula rixatus : salsa, at tamen a te ipso ficta tota narratio. Addidisti clausulam, tota Tarracina tum omnibus in parietibus inscriptas fuisse litteras, LLL, MM ; cum quaereres id quid esset, senem tibi quendam oppidanum dixisse 'Lacerat Lacertum Largi Mordax Memmius.'
241 Perspicitis, hoc genus quam sit facetum, quam elegans, quam oratorium, sive habeas vere, quod narrare possis, quod tamen est mendaciunculis aspergendum, sive fingas. Est autem haec huius generis virtus, ut ita facta demonstres, ut mores eius, de quo narres, ut sermo, ut vultus omnes exprimantur, ut eis
242 qui audiunt, tum geri illa fierique videantur. In re est item ridiculum, quod ex quadam depravata imitatione sumi solet ; ut idem Crassus : 'Per tuam nobilitatem, per vestram familiam.' Quid aliud fuit, in quo contio rideret, nisi illa vultus et vocis imitatio? 'Per tuas statuas' vero cum dixit, et extento bracchio paululum etiam de gestu addidit, vehementius risimus. Ex hoc genere est illa Rosciana imitatio senis : 'Tibi ego, Antipho, has sero,' inquit. Senium

[a] Gaius Memmius, a turbulent tribune of 111 B.C., against whose ferocious character this jest of Crassus seems to be levelled.

[b] This merriment may have been excited by an attack of Crassus upon Domitius Ahenobarbus, who was possibly disliked for his excessive family pride.

Wit of matter and wit of form; the former comprising anecdote and caricature.

"For there are two types of wit, one employed upon
240 facts, the other upon words. Upon facts, whenever any tale is told, some anecdote for instance, just as you, Crassus, alleged one day, in a speech against Memmius,[a] that Memmius 'had made a mouthful of Largus's arm,' when brawling with him at Tarracina over a lady-love ; it was a spicy story, but every word of your own fabrication. You wound up by relating that the letters M.M.L.L.L. were inscribed on every wall in Tarracina, and that some ancient inhabitant answered, when you asked what they meant,
241 'Mordacious Memmius lacerates Largus's limb.' You see plainly how graceful, choice and well befitting an orator is a jest of this sort, whether you have some truth you can relate,—which for all that may be sprinkled with fibs,—or whether you are only fabricating. Now the beauty of such jesting is, that you state your incidents in such a way, that the character, the manner of speaking and all the facial expressions of the hero of your tale, are so presented that those incidents seem to your audience to take place and to be transacted concurrently with your description
242 of them. Another sort of jest depending on facts, is that which is generally derived from what may be called vulgarized mimicry, as when on another occasion, Crassus was adjuring an adversary in the words, 'By your rank, by your lineage!' What else had the assembly to laugh at in this than that mimicry of facial expression and intonation ? But when he went on to say, 'By your statuary,' and lent a touch of action to the word by stretching out his arm, we laughed quite consumedly.[b] To this class belongs Roscius's famous representation of an old man, when he quavers out, 'For you, son Antipho, I'm planting

est, cum audio. Atqui ita est totum hoc ipso genere ridiculum, ut cautissime tractandum sit. Mimorum est enim ethologorum, si nimia est imitatio, sicut obscenitas. Orator surripiat oportet imitationem ut is qui audiet, cogitet plura, quam videat; praestet idem ingenuitatem et ruborem suum, verborum turpitudine et rerum obscenitate vitanda.

243 LX. Ergo haec duo genera sunt eius ridiculi, quod in re positum est; quae sunt propria perpetuarum facetiarum, in quibus describuntur hominum mores, et ita effinguntur, ut aut re narrata aliqua, quales sint, intellegantur, aut, imitatione brevi iniecta, in aliquo insigni ad irridendum vitio reperiantur.

244 In dicto autem ridiculum est id, quod verbi, aut sententiae quodam acumine movetur. Sed ut in illo superiore genere vel narrationis, vel imitationis, vitanda est mimorum ethologorum similitudo, sic in hoc scurrilis oratori dicacitas magnopere fugienda est. Qui igitur distinguemus a Crasso, a Catulo, a ceteris familiarem vestrum, Granium, aut Vargulam, amicum meum? Non mehercule in mentem mihi quidem venit: sunt enim dicaces; Granio quidem nemo dicacior. Hoc, opinor, primum, ne, quotienscumque

245 potuerit dictum dici, necesse habeamus dicere. Pusillus testis processit. 'Licet,' inquit, 'rogare?'

[a] From a lost play.

these.'[a] I think I am listening to testy Eld personified. However this particular kind of laughing-matter is all such as to need extreme circumspection in the handling of it. For if the caricature is too extravagant, it becomes the work of buffoons in pantomime, as also does grossness. It behoves the orator to borrow merely a suspicion of mimicry, so that his hearer may imagine more than meets his eye; he must also testify to his own well-bred modesty, by avoiding all unseemly language and offensive gestures.

243 LX. "These then are the two kinds of the jesting that is founded on facts; and they are appropriate to continuous irony, wherein the characters of individuals are sketched and so portrayed, that either through the relation of some anecdote their real natures are understood, or, by the infusion of a trifle of mimicry, they are found out in some fault sufficiently marked to be laughed at.

The latter, wit of form, to be used sparingly.

244 "As regards words, however, the laughter is awakened by something pointed in a phrase or reflection. But just as, with the former kind, both in narrative and in mimicry, all likeness to buffoons in pantomime is to be avoided, so in this latter case the orator must scrupulously shun all buffoonish raillery. How then shall we distinguish from Crassus, from Catulus, and from the others, your familiar acquaintance Granius, or my own friend Vargula? Upon my word, I have never considered this matter, for all of them are witty, none indeed more so than Granius. The first point to make, I think, is that we should not feel bound to utter a witticism every time an

245 occasion offers. A very small witness once came forward. 'May I examine him?' said Philippus.

Philippus. Tum quaesitor properans: 'Modo breviter.' Hic ille: 'Non accusabis; perpusillum rogabo.' Ridicule. Sed sedebat iudex L. Aurifex, brevior ipse, quam testis etiam: omnis est risus in iudicem conversus: visum est totum scurrile ridiculum. Ergo haec quae cadere possunt in quos nolis, quamvis sint bella, sunt tamen ipso genere scurrilia.
246 Ut iste, qui se vult dicacem, et mehercule est, Appius, sed nonnunquam in hoc vitium scurrile delabitur. 'Cenabo,' inquit, 'apud te,' huic lusco, familiari meo, C. Sextio; 'uni enim locum esse video.' Est hoc scurrile, et quod sine causa lacessivit; et tamen id dixit quod in omnis luscos convèniret; ea, quia meditata putantur esse, minus ridentur. Illud egregium Sextii, et ex tempore: 'Manus lava,' inquit, 'et cena.'

247 Temporis igitur ratio, et ipsius dicacitatis moderatio et temperantia et raritas dictorum distinguet oratorem a scurra, et quod nos cum causa dicimus, non ut ridiculi videamur, sed ut proficiamus aliquid, illi totum diem et sine causa. Quid enim est Vargula assecutus, cum eum candidatus A. Sempronius cum Marco suo fratre complexus esset: 'Puer, abige muscas?' Risum quaesivit, qui est, mea sententia, vel tenuissimus ingenii fructus. Tempus igitur di-

[a] Apparently a reflection upon the self-invited guest's probity. Compare the English legal maxim: 'He that cometh to Equity must come with clean hands.'

[b] *Musca* was a cognomen of the gens Sempronia, and is also Latin for various winged insects. Vargula seems to have intended a subtle comparison between humming and biting insects and chattering and irritating canvassers.

The president of the Court, who was in a hurry, answered, 'Only if you are short.' 'You will not complain,' returned Philippus, 'for I shall be just as short as that man is.' Quite comical; but there on the tribunal sat Lucius Aurifex, and he was even tinier than the witness: all the laughter was directed against Lucius, and the joke seemed merely buffoonish. And so those shafts which may light upon unintended victims, however featly they may be winged, are none the less essentially those of a
246 buffoon. For instance, that Appius, who tries to be witty, and egad! succeeds, though occasionally slipping into this failing of buffoonery, said to my one-eyed friend here, Gaius Sextius, 'I will sup with you, for I see you have room for another one.' This is the joke of a buffoon, for he attacked unprovoked, and even so only said what would apply to every one-eyed individual. Jokes of that sort, as they seem to be thought out in advance, win but little laughter. The retort of Sextius was brilliant and spontaneous: 'Wash your hands,' says he, 'before supper.'[a]

247 "Regard then to occasions, control and restraint of our actual raillery, and economy in bon-mots, will distinguish an orator from a buffoon, as also will the fact that we people speak with good reason, not just to be thought funny, but to gain some benefit, while those others are jesting from morning to night, and without any reason at all. Thus, when Aulus Sempronius was on canvassing bent, along with Marcus his brother, and embraced Vargula, what good did it do Vargula to shout 'Boy, drive away these buzzers?'[b] His object was to get a laugh—to my mind the very poorest return for cleverness. The

cendi prudentia et gravitate moderabimur: quarum utinam artem aliquam haberemus! sed domina natura est.

248 LXI. Nunc exponamus genera ipsa summatim, quae risum maxime moveant. Haec igitur sit prima partitio, quod facete dicatur, id alias in re habere alias in verbo facetias: maxime autem homines delectari, si quando risus coniuncte re verboque moveatur. Sed hoc mementote, quoscumque locos attingam, unde ridicula ducantur, ex eisdem locis fere etiam graves sententias posse duci. Tantum interest, quod gravitas honestis in rebus severe, iocus in turpiculis et quasi deformibus ponitur, velut eisdem verbis et laudare frugi servum possumus, et, si est nequam, iocari. Ridiculum est illud Neronianum vetus in furaci servo, 'Solum esse, cui domi nihil sit nec obsignatum, nec occlusum': quod idem in bono

249 servo dici solet, sed hoc eisdem etiam verbis. Ex eisdem autem locis nascuntur omnia. Nam quod Sp. Carvilio graviter claudicanti ex vulnere ob rempublicam accepto, et ob eam causam verecundanti in publicum prodire, mater dixit, 'Quin prodis, mi Spuri? quotienscumque gradum facies, totiens tibi tuarum virtutum veniet in mentem': praeclarum et grave est. Quod Calvino Glaucia claudicanti, 'Ubi est vetus illud: num claudicat? at hic clodicat,' hoc ridiculum est; et utrumque ex eo, quod in

[a] *Clodicare*, plebeian and rustic form of *claudicare*, *au* being vulgarly pronounced *o*.

right occasion therefore for speaking out we shall fix by our own wisdom and discretion: would that we had some theory of the use of these qualities! though intuition is the sovereign directress.

248 LXI. "Now let us summarize the essential natures of the chief sources of laughter. Let our first distinction, then, be this, that a witty saying has its point sometimes in facts, sometimes in words, though people are most particularly amused whenever laughter is excited by the union of the two. But remember this, that whatever subjects I may touch upon, as being sources of laughing-matters, may equally well, as a rule, be sources of serious thoughts. The only difference is that seriousness is bestowed austerely and upon things of good repute, jesting upon what is a trifle unseemly, or, so to speak, uncouth; for example, we can, in identical terms, praise a careful servant, and make fun of one who is good-for-nothing. There is humour in that old remark of Nero's about a thievish servant, 'that he was the only member of the household against whom nothing was sealed up or locked away,' a description frequently applied to a trusty servant also, and that

Classification of verbal witticisms

249 too word for word. In fact all kinds of remarks are derived from identical sources. For his mother's words to Spurius Carvilius, who was sadly lame from a wound received on national service, and for that reason shy of walking abroad, 'No no, my Spurius, go out! and let every step you take remind you of your gallantry,' are noble and dignified. But what Glaucia said to Calvinus, who was limping, 'Where is that old saying—Can he be hobbling? Nay, but he is wobbling,'[a] is merely absurd. Yet both observations were derived from what the con-

claudicatione animadverti potuit, est ductum. 'Quid hoc Naevio ignavius?' severe Scipio. At in male olentem, 'Video me a te circumveniri,' subridicule Philippus. At utrumque genus continet verbi ad litteram immutati similitudo.

250 Ex ambiguo dicta vel argutissima putantur, sed non semper in ioco, saepe etiam in gravitate versantur. Africano illi superiori, coronam sibi in convivio ad caput accommodanti, cum ea saepius rumperetur, P. Licinius Varus, 'Noli mirari,' inquit, 'si non convenit: caput enim magnum est': laudabile et honestum. At ex eodem genere est: 'Calvus satis est, quod dicit parum.' Ne multa: nullum genus est ioci, quo non ex eodem severa et gravia sumantur.

251 Atque hoc etiam animadvertendum est, non esse omnia ridicula faceta. Quid enim potest esse tam ridiculum, quam sannio est? Sed ore, vultu, imitandis moribus, voce, denique corpore ridetur ipso. Salsum hunc possum dicere, atque ita, non ut eiusmodi oratorem esse velim, sed ut mimum.

LXII. Quare primum genus hoc, quod risum vel maxime movet, non est nostrum: morosum, superstitiosum, suspiciosum, gloriosum, stultum; naturae ridentur ipsae: quas personas agitare solemus, non

[a] Professor Wilkins and others would sharpen the pun upon this name by substituting the less common form *Navius*.

[b] This alleged joke seems to require the coinage of a word *hircumveniri*, *hircus* being Latin not only for "goat," but also for the very rank odour characteristic of that animal.

[c] *Caput* is Latin for (1) a human cranium, (2) the Head of *e.g.* a body politic.

[d] Baldness may be natural or metaphorical: the exact point of this pleasantry seems to have eluded the commentators.

templation of lameness might suggest. Scipio's pun, 'Is there an idler knave than this Naevius?'[a], was intended foı austerity. But there was a spark of humour in the remark of Philippus to a malodorous individual, 'I perceive that you are stinking me out.'[b] Yet both kinds of pun lie in the verbal echo that survives the change in a letter.

250 "Bons-mots prompted by an equivocation are deemed the very wittiest, though not always concerned with jesting, but often even with what is important. What Publius Licinius Varus said to the great Africanus the elder, when he was adjusting a garland to his head at a banquet, and it tore again and again, was praiseworthy and creditable: 'Don't be astonished,' said he, 'if it does not fit, for it is on a Head of vast capacity.'[c] Yet from the same category comes, 'He is bald enough, seeing that he is bald in diction.'[d] So, to bore you no further, there is no source of laughing-matters from which austere and serious thoughts are not also to be derived. (1) The ambiguous;

251 "There is also this to be noted, that all is not witty that is laughable. For can there be anything so droll as a pantaloon? Yet it is for his face, his grimaces, his mimicry of mannerisms, his intonation, and in fact his general bearing, that he is laughed at. Humorous I am able to call him, but humorous for a low comedian, and not in the sense in which I would have an orator humorous.

LXII. "Accordingly this kind of wit, though raising as much laughter as any, is not at all our kind: it caricatures peevishness, fanaticism, mistrust, pomposity and folly, characters which are laughed at for their own sakes, masks which we do not put on, but

252 sustinere. Alterum genus est in imitatione admodum ridiculum, sed nobis furtim tantum uti licet, si quando, et cursim; aliter enim minime est liberale. Tertium, oris depravatio, non digna nobis. Quartum, obscenitas, non solum non foro digna, sed vix convivio liberorum. Detractis igitur tot rebus ex hoc oratorio loco facetiae reliquae sunt, quae aut in re, ut ante divisi, positae videntur esse aut in verbo. Nam quod, quibuscumque verbis dixeris, facetum tamen est, re continetur; quod mutatis verbis salem amittit, in verbis habet leporem omnem.

253 Ambigua sunt in primis acuta atque in verbo posita, non in re; sed non saepe magnum risum movent, magisque ut belle et litterate dicta laudantur: ut in illum Titium, qui, cum studiose pila luderet, et idem signa sacra noctu frangere putaretur, gregalesque, cum in Campum non venisset, requirerent, excusavit Vespa Terentius, quod eum 'bracchium fregisse,' diceret; ut illud Africani, quod est apud Lucilium:

Quid Decius? Nuculam an confixum vis facere? inquit.

Ut tuus amicus, Crasse, Granius, 'non esse sex-
254 tantis.' Et si quaeritis, is, qui appellatur dicax, hoc

---

[a] Was it his own or a holy statue's?

[b] The commentators are at fault here, for want of the Lucilian context.

[c] Was he worth less or far more?

252 attack. Another kind, quite comical, consists in mimicry, but this we may employ only by stealth, if at all, and but momentarily, as fuller use of it does not befit the well-bred. A third kind is grimacing, which is beneath our dignity. A fourth is indecency, not only degrading to a public speaker, but hardly sufferable at a gentlemen's dinner-party. When all these modes, then, are withheld from this branch of oratory, the residue of wit depends apparently either on the facts or on the language, in accordance with the distinction I have already drawn. For the joke which still remains witty, in whatever words it is couched, has its germ in the facts; that which loses its pungency, as soon as it is differently worded, owes all its humour to the language.

235 "The play upon equivocal words is particularly clever, and depends on language, not on facts; but it seldom raises any considerable laughter, being chiefly praised as evidence of elegant scholarship: take, for example, that hit at the notorious Titius, who was devoted to ball-play and also under suspicion of mutilating the holy statues by night: when his associates missed him, as he had not come to the Playing Fields, Vespa Terentius apologized for his absence on the plea, 'He has broken an arm'[a]: or again, take the words of Africanus, preserved in Lucilius,

"What of Decius? Do you wish to have Nucula spitted?" said he.[b]!

Or you, Crassus, may take what your friend Granius
254 said, 'The man is not worth a farthing.'[c] And, if you wish to know, the jester who deals in so-called 'raillery' will chiefly shine in this kind of thing,

genere maxime excellet, sed risus movent alia maiores. Ambiguum per se ipsum probatur id quidem, ut ante dixi, vel maxime; ingeniosi enim videtur vim verbi in aliud atque ceteri accipiant, posse ducere; sed admirationem magis quam risum movet, nisi si quando incidit in aliud genus ridiculi.

255 LXIII. Quae genera percurram equidem. Sed scitis esse notissimum ridiculi genus, cum aliud exspectamus, aliud dicitur. Hic nobismet ipsis noster error risum movet. Quod si admixtum est etiam ambiguum, fit salsius: ut apud Novium videtur esse misericors ille, qui iudicatum duci videns, percontatur ita: 'quanti addictus?' 'Mille nummum.' Si addidisset tantummodo: 'Ducas licet'; esset illud genus ridiculi praeter exspectationem, sed quia addidit: 'Nihil addo, ducas licet,' addito ambiguo, altero genere ridiculi, fuit, ut mihi quidem videtur, salsissimus. Hoc tum est venustissimum, cum in altercatione arripitur ab adversario verbum, et ex eo, ut a Catulo in Philippum, in eum ipsum aliquid, qui
256 lacessivit, infligitur. Sed cum plura sint ambigui genera, de quibus est doctrina quaedam subtilior, attendere et aucupari verba oportebit: in quo, ut ea

[a] The piquant equivocation must lurk in '*nihil addo*,' which may mean, 'I say no more,' or (at an auction) 'I bid no more.'

[b] See the anecdote related *supra*, Book II, liv.

though other kinds raise louder laughter. Indeed the play upon words wins really vast applause on its own merits, as I said before, for the power to divert the force of a word into a sense quite different from that in which other folk understand it, seems to indicate a man of talent; yet the jest arouses wonder rather than laughter, except when it also falls within some other category of the laughable.

255 LXIII. "These categories I will certainly run over. You know already, however, that the most familiar of these is exemplified when we are expecting to hear a particular phrase, and something different is uttered. In this case our own mistake even makes us laugh ourselves. But, if there be also an admixture of equivocation, the jest is rendered more pungent: as, in that play of Novius, the man is apparently moved by compassion when, on seeing a condemned debtor taken away, he earnestly inquires the amount of the judgement. He is told, 'A thousand sesterces.' Had he then gone on to say merely, 'You may take him away,' his rejoinder would have belonged to the unexpected kind, but what he actually said was, 'No advance from me; you may take him away,' whereby he brought in an element of equivocation, a different category of the laughable, the result, in my opinion at any rate, being piquancy in perfection.[a] This playing on words is most delightful when, during a wrangle, a word is snatched from an antagonist and used to hurl a shaft at the assailant himself, as was
256 done by Catulus against Philippus.[b] But since equivocation is of numerous kinds, and the teaching as to these is somewhat abstruse, we shall have to be watchful and lie in wait for the words: in this way, while avoiding the feebler retorts (for we must

(2) The unexpected (παρὰ προσδοκίαν);

quae sint frigidiora, vitemus (etenim cavendum est, ne arcessitum dictum putetur), permulta tamen acute dicemus.

Alterum genus est, quod habet parvam verbi immutationem, quod in littera positum Graeci vocant *παρονομασίαν*, ut 'Nobiliorem, mobiliorem' Cato; aut, ut idem, cum cuidam dixisset: 'Eamus deambulatum': et ille: 'Quid opus fuit DE?' 'Immo vero,' inquit, 'quid opus fuit te?' aut eiusdem responsio illa: 'Si tu et adversus et aversus impudicus
257 es.' Etiam interpretatio nominis habet acumen, cum ad ridiculum convertas, quam ob rem ita quis vocetur; ut ego nuper Nummium divisorem, ut Neoptolemum ad Troiam, sic illum in Campo Martio nomen invenisse. Atque haec omnia verbo continentur.

LXIV. Saepe etiam versus facete interponitur, vel ut est, vel paululum immutatus, aut aliqua pars versus, ut Statius Scauro stomachanti: ex quo sunt nonnulli, qui tuam legem de civitate natam, Crasse, dicant:

> St, tacete, quid hoc clamoris? quibus nec mater, nec pater,
> Tanta confidentia? auferte istam enim superbiam.

Nam in Caelio sane etiam ad causam utile fuit tuum illud, Antoni, cum ille a se pecuniam profectam

---

[a] Fulvius Nobilior, consul in 189 B.C. Cato was evidently attributing to him a certain instability of character.

[b] Pyrrhus, son of Achilles, received the name of Neoptolemus, as being 'a new-comer to the (Trojan) war.' Caesar facetiously derives the name 'Nummius' from the coins (*nummi*) which its bearer had distributed, in the course of his duties as bribery agent at elections.

[c] During the consulship of Crassus and Q. Mucius Scaevola in 95 B.C. the *Lex Licinia Mucia de redigundis*

see to it that our bon-mot be not thought forced), we shall still find ourselves delivering very many a pointed remark.

"Another category, which uses a slight change in spelling, the Greeks call 'assonance,' when the variation is in a letter or two; for example, one surnamed 'the Noble'[a] was referred to by Cato as 'the Mobile,' or again Cato said to a certain man, 'Let us go for a deambulation,' and, on the other asking, 'What need of the "de—?",' Cato rejoined, 'Nay, rather, what need of thee?' or take that other answer of the same Cato's, 'Whether you turn hither
257 or thither, you are filthy.' There is point also in the explanation of a name, when you make fun of the reason for a man being called as he is, as I said the other day of Nummius, the voters' paymaster, that he had found a name in the Election Field,[b] as Neoptolemus had done at Troy. Now all such jests hinge upon a word.

(3) play upon words or names;

LXIV. "Often too a verse, or some part of one, is wittily introduced, either just as it stands or very slightly varied, as when Statius quoted to an angry Scaurus that passage from which, Crassus, some people would have it that your own Nationality Act[c] originated:—

(4) quotation of verses or proverbs;

> Hist! Silence! Why this din? Not overbold
> Should be the parentless! Have done with pride!

Doubtless, too, in the affair of Caelius, that jest of yours, Antonius, helped your cause, when he gave evidence of having parted with money and, as he

civibus was passed, apparently to prevent the usurpation of Roman civic rights by Latins and Italians. The lines cited seem to impute illegitimacy to the person or persons to whom they were addressed.

diceret testis et haberet filium delicatiorem, abeunte iam illo,

Sentin senem esse tactum triginta minis?

258 In hoc genus coniciuntur proverbia, ut illud Scipionis, cum Asellus omnes provincias stipendia merentem se peragrasse gloriaretur, 'Agas asellum,' et cetera. Quare ea quoque, quoniam mutatis verbis non possunt retinere eandem venustatem, non in re, sed in verbis posita ducantur.

259 Est etiam in verbo positum non insulsum genus ex eo, cum ad verbum, non ad sententiam rem accipere videare: ex quo uno genere totus est TUTOR, mimus vetus, oppido ridiculus. Sed abeo a mimis; tantum genus huius ridiculi insigni aliqua et nota re notari volo. Est autem ex hoc genere illud, quod tu, Crasse, nuper ei, qui te rogasset, num tibi molestus esset futurus, si ad te bene ante lucem venisset: 'Tu vero,' inquisti, 'molestus non eris.' 'Iubebis igitur te,' inquit, 'suscitari?' Et tu: 'Certe negaram te
260 molestum futurum.' Ex eodem hoc vetus illud est, quod aiunt Maluginensem illum Scipionem, cum ex centuria sua renuntiaret Acidinum consulem praecoque dixisset, 'Dic de L. Manlio'; 'Virum

[a] Antonius being prosecuted by Duronius on a charge of corrupt practices, Caelius perhaps testified that he supplied funds through his profligate son for use in bribery on behalf of Antonius, whose defence may have insinuated that the son obtained this money by a false pretence, and converted it to his own use.

[b] *Asellus* is Latin for a little ass. The innuendo may be that the boasted travels of Ti. Claudius Asellus were solely attributable to compulsory military activity. The complete saw is plausibly said to have been *Agas asellum; cursum non docebitur.*

had a rather voluptuous son, you remarked, on his leaving the witness-box,

Seest thou the ancient, tapped for thirty pounds?[a]

258 "Old saws fall into this category, that for instance applied by Scipio, when Asellus was bragging that his military service had taken him all over every province; whereupon Scipio quoted 'You may drive the ass's colt,' and the rest of it.[b] It follows moreover that such jests, since they must lose their charm directly the terms of expression are varied, should be regarded as depending on language, not on facts.

259 "There is another kind of joke, depending upon language and quite humorous, which proceeds from your seeming to understand an expression literally, and not in the sense intended: *The Guardian*, an ancient and exceedingly droll farce, was entirely made up of this sort of thing. But no more of farces; I merely wish this type of laughing-matter to be illustrated by some prominent and familiar example. This too is the origin, Crassus, of your recent reply to the person who had asked you whether he would be a nuisance to you, if he were to visit you well before daylight: 'No,' you answered, 'you will not be a nuisance.' Upon this he said, 'Then you will give orders to call you?' And you rejoined, 'Surely I said you would not be a nuisance.'

(5) words taken literally;

260 From this same source comes that old pleasantry attributed to the famous Scipio Maluginensis, when announcing the vote of his own division to be for Acidinus as consul; upon the crier demanding, 'What of Lucius Manlius?' Scipio replied, 'I take

bonum,' inquit, 'egregiumque civem esse arbitror.' Ridicule etiam illud L. Nasica censori Catoni, cum ille: 'Ex tui animi sententia tu uxorem habes?' 'Non hercule,' inquit, 'ex mei animi sententia.' Haec aut frigida sunt, aut tum salsa, cum aliud est exspectatum. Natura enim nos, ut ante dixi, noster delectat error: ex quo, cum quasi decepti sumus exspectatione, ridemus.

261 LXV. In verbis etiam illa sunt, quae aut ex immutata oratione ducuntur, aut ex unius verbi translatione, aut ex inversione verborum. Ex immutatione, ut olim, Rusca cum legem ferret annalem, dissuasor M. Servilius: 'Dic mihi,' inquit, 'M. Pinari, num, si contra te dixero, mihi male dicturus es, ut
262 ceteris fecisti?' 'Ut sementem feceris, ita metes,' inquit. Ex translatione autem, ut, cum Scipio ille maior Corinthiis statuam pollicentibus eo loco, ubi aliorum essent imperatorum, 'turmales' dixit 'displicere.' Invertuntur autem verba, ut, Crassus apud M. Perpernam iudicem pro Aculeone cum diceret, aderat contra Aculeonem Gratidiano L. Aelius Lamia, deformis, ut nostis; qui cum interpellaret

[a] At the consular elections in the Comitia Centuriata, voting being by centuries, the choice of each century was reported to the presiding consul by its own spokesman. Scipio, acting as one of these spokesmen, thought it humorous wilfully to mistake the official question, as to his century's decision on the candidature of L. Manlius Acidinus, for an inquiry into his own personal opinion of the candidate.

[b] Bachelors were assessable to a special tax. It is related that an unappreciative censor requited this untimely pleasantry with temporary disfranchisement of the joker.

him for an honest man and a capital fellow-citizen.'[a] Laughable again was the response of Lucius Nasica to the interrogatory of Cato the censor, 'On your conscience, are you satisfied that you are a married man?' 'Married for certain,' returned Nasica, 'but verily not to my entire satisfaction!'[b] Such jokes may fall flat, being humorous only when some different answer was expected. For, as I said before, our own mistake naturally diverts us, so that, when balked, as it were, of what we expected, we fall to laughing.

261 LXV. "Jests dependent upon language further include such as are derived from allegory, from the figurative use of a single word, or from the ironical inversion of verbal meanings. Allegory as a source was illustrated by Rusca long ago, in moving his Limit of Age Bill,[c] when Marcus Servilius, an opponent of the measure, said to him, 'Tell me, Marcus Pinarius, if I speak against you, are you going to revile me as you have done the others?'
262 Rusca's reply was, 'You shall reap your sowing.' Figurative use of one word occurred, for example, when great Scipio the elder told the Corinthians, who were promising him a statue among those of the other commanders-in-chief, that 'he had no liking for statues in troops.' And meanings were ironically inverted when Crassus was representing Aculeo before Marcus Perperna as arbitrator, and Lucius Aelius Lamia, a cripple as you know, was for Gratidianus against Aculeo, and kept on interrupting

(6) allegory metaphor, irony;

[c] Designed to fix a minimum age for candidates for any political office.

odiose: 'Audiamus,' inquit, 'pulchellum puerum,' Crassus. Cum esset arrisum, 'Non potui mihi,' inquit Lamia, 'formam ipse fingere; ingenium potui.' Tum hic, 'Audiamus,' inquit, 'disertum.' Multo etiam arrisum est vehementius.

Sunt etiam illa venusta, ut in gravibus sententiis, sic in facetiis. Dixi enim dudum, materiam aliam esse ioci, aliam severitatis; gravium autem et iocorum
263 unam esse rationem. Ornant igitur in primis orationem verba relata contrarie, quod idem genus saepe est etiam facetum, ut Servius ille Galba, cum iudices L. Scribonio tribuno plebis ferret familiares suos, et dixisset Libo, 'Quando tandem, Galba, de triclinio tuo exibis?' 'Cum tu,' inquit, 'de cubiculo alieno.' A quo genere ne illud quidem plurimum distat, quod Glaucia Metello, 'Villam in Tiburte habes, cortem in Palatio.'

264 LXVI. Ac verborum quidem genera, quae essent faceta, dixisse me puto; rerum plura sunt, eaque magis, ut dixi ante, ridentur; in quibus est narratio, res sane difficilis; exprimenda enim sunt et ponenda ante oculos ea quae videantur et verisimilia, quod est proprium narrationis, et quae sint, quod ridiculi pro-

---

[a] See Book II, lxi., *supra*.

[b] Although authority is scanty, it seems that, in certain criminal proceedings, the defendant had the right to propose a number of his judges, limited by a sufficient right of challenge and exclusion on the part of the prosecution.

[c] Libo was his intending prosecutor on a charge of misgovernment.

[d] Libo evidently had a reputation for gallantry, in the unenviable sense.

[e] The two properties would normally adjoin each other. Glaucia seems to reflect upon the manners and morals of

vexatiously, until Crassus said, 'Let us hear the little beauty.' When the laughter at this had subsided, Lamia retorted, 'I could not mould my own bodily shape; my talents I could.' Thereupon Crassus remarked, 'Let us hear the eloquent speaker.' At this the laughter was far more uproarious.

"Such jests are delightful, whether the underlying thought be grave or gay. For I said before[a] that, though the fields of jesting and austerity lie wide apart, yet the methods of seriousness and jesting (7) antithetical expressions.
263 are identical. So the opposition of verbal contradictories is one of the chief embellishments of diction, and this same device is often witty as well, as was shown by the well-known Servius Galba, when he was tendering to Lucius Scribonius, tribune of the commons, a list of his own cronies to serve on the tribunal,[b] and Libo[c] had commented, 'Galba, whenever will you go outside your own dining-room?' 'As soon as ever you come away from other people's bedrooms' was the reply.[d] To this kind of pleasantry Glaucia's words to Metellus bear some resemblance: 'You have your country-house at Tibur, your cattle-pen on the Palatine.'[e]

264 LXVI. "And now I think I have had my say regarding the types of pleasantry which depend upon language. Those dependent upon facts are more numerous, and provoke heartier laughter, as I said before; they include narrative, a really difficult subject. For it must describe, and present to the mind's eye, such things as bear the semblance of truth, this being the peculiar function of narrative, and such also as are a trifle unseemly, this being the peculiar Wittiness of matter (*cf.* §§ 240 ff.): many varieties, especially—

the clients and hangers-on who thronged the town-house of Metellus.

prium est, subturpia: cuius exemplum, ut brevissimum, sit sane illud, quod ante posui, Crassi de Memmio. Et ad hoc genus ascribamus etiam nar-
265 rationes apologorum; trahitur etiam aliquid ex historia, ut, cum Sex. Titius se Cassandram esse diceret, 'Multos,' inquit Antonius, 'possum tuos Aiaces Oileos nominare.'

Est etiam ex similitudine, quae aut collationem habet aut tanquam imaginem: collationem, ut ille Gallus olim testis in Pisonem, cum innumerabilem Magio praefecto pecuniam dixisset datam, idque Scaurus tenuitate Magii redargueret: 'Erras,' inquit, 'Scaure; ego enim Magium non conservasse dico, sed tanquam nudus nuces legeret, in ventre abstulisse'; ut ille M. Cicero senex, huius viri optimi, nostri familiaris, pater, nostros homines similes esse Syrorum venalium: ut quisque optime Graece sciret, ita esse nequissimum.

266 Valde autem ridentur etiam imagines, quae fere in deformitatem, aut in aliquod vitium corporis ducuntur cum similitudine turpioris: ut meum illud in Helvium Manciam 'Iam ostendam cuiusmodi sis'; cum ille 'Ostende, quaeso,' demonstravi digito pictum Gallum in Mariano scuto Cimbrico sub Novis,

[a] See Book II, lix., *supra*.

[b] He meant that his prophecies of public disasters at Rome had met with no more credit than those of Cassandra, King Priam's daughter, at Troy, though they had proved as consistently true. After the fall of Troy the prophetess was outraged by this Ajax. I follow Conington on *Aeneid* i. 46 in treating *Oileos* as a Greek genitive singular, not an accusative plural.

[c] The allegation is that the money has been squandered in self-indulgence, after being received by Magius on behalf of Piso, who is on trial for extortion.

function of joking; as the shortest possible example of this you may very well take Crassus's tale about Memmius,[a] which I cited before. To this class we
265 may also refer the stories in the fables. Material is derived too from history, as when Sextus Titius was describing himself as a Cassandra,[b] and Antonius commented, 'I can name many who played Ajax, the son of Oileus, to your Cassandra.'

"Another source of such pleasantry is resemblance, involving either comparison or something like portraiture. Comparison is illustrated by that Gallus, who once upon a time gave evidence against Piso that Piso's lieutenant Magius had received vast sums of money, which testimony Scaurus was for contradicting by proving the straitened circumstances of Magius, whereupon Gallus observed, 'You are missing the point, Scaurus, for I do not assert that Magius still has this fund, but that he has tucked it away in his paunch, like a naked man who goes nutting.'[c] To take another instance, the eminent Marcus Cicero the elder, father of the best man of our time, our own friend, said that our contemporaries were like the Syrian slave-market: 'the better knowledge they had of Greeks, the more worthless were their respective characters.' comparison;

266 "Caricatures also provoke loud laughter: as a rule they are levelled against ugliness or some physical defect, and involve comparison with something a little unseemly; an example was that remark of mine to Helvius Mancia, 'I will now show what manner of man you are,' to which he answered, 'Pray show me,' whereupon I pointed out with my finger a Gaul depicted on the Cimbrian shield of Marius,[d] which caricature,

[d] A shield captured by Marius in the Gallic War, 101 B.C.

distortum, eiecta lingua, buccis fluentibus ; risus est commotus : nihil tam Manciae simile visum est ; ut cum Tito Pinario mentum in dicendo intorquenti 'tum ut diceret, si quid vellet, si nucem fregisset.'

267 Etiam illa quae minuendi aut augendi causa ad incredibilem admirationem efferuntur : velut tu, Crasse, in concione, 'ita sibi ipsum magnum videri Memmium ut in forum descendens caput ad fornicem Fabii demitteret.' Ex quo genere etiam illud est quod Scipio apud Numantiam, cum stomacharetur cum C. Metello, dixisse dicitur, 'si quintum pareret mater eius, asinum fuisse parituram.'

268 Arguta est etiam significatio cum parva re et saepe verbo res obscura et latens illustratur : ut, cum C. Fabricio P. Cornelius, homo, ut existimabatur, avarus et furax, sed egregie fortis, et bonus imperator, gratias ageret quod se homo inimicus consulem fecisset, bello praesertim magno et gravi : 'Nihil est quo mihi gratias agas,' inquit, 'si malui compilari quam venire' ; ut Asello Africanus, obi-

[a] Standing on the north-eastern side of the Forum.

[b] The triumphal arch commemorating the success of Fabius over the Allobroges was the loftiest so far erected in Rome.

[c] Her four sons, of whom Gaius was the youngest, apparently exhibited, in order of seniority, a diminuendo of intelligence.

[d] Famous opponent of Pyrrhus and eminent type of the old Roman morality.

[e] Better an extortionate magistrate than an incompetent general, who would probably lead his followers to defeat, capture and the ancient fate of prisoners of war.

hung below the New Shops,[a] with the body twisted, the tongue protruding and the cheeks baggy : this raised laughter, for nothing so like Mancia was ever seen. Another instance was my telling Titus Pinarius, who kept twisting his chin when he was speaking, that the time for his observations, if he wished to say anything, would come when he had finished cracking his nut.

267 "Then again there are those intentional understatements or overstatements which are exaggerated to a degree of the astonishing that passes belief, such as your own assertion, Crassus, made in a speech before a public assembly, that Memmius thought himself so exalted an individual that, on his way down into the Market Place, he lowered his head in order to pass under the Arch of Fabius.[b] To this category also belongs the taunt said to have been uttered by Scipio at Numantia, when he was in a rage with Gaius Metellus, that 'if the mother of Metellus should bear a fifth time, she would be found to have borne an ass.'[c] Under-statement,

268 "And a clever hint may be dropped when some hard and unintelligible saying is illuminated by some small detail, often by a word, as when Publius Cornelius, regarded as a covetous and dishonest man, but conspicuously brave and a competent military commander, thanked Gaius Fabricius[d] for having (though no friend of his) procured his election as consul, and that too in the course of an important and troublesome war. 'No need to thank me,' replied the other, 'for choosing to be plundered rather than sold into bondage.'[e] Compare with this the retort of

cienti lustrum illud infelix, 'Noli,' inquit, 'mirari; is enim qui te ex aerariis exemit lustrum condidit et taurum immolavit.' [Tanta suspicio est ut religione civitatem obstrinxisse videatur Mummius quod Asellum ignominia levarit.]

269 LXVII. Urbana etiam dissimulatio est, cum alia dicuntur ac sentias, non illo genere de quo ante dixi, cum contraria dicas, ut Lamiae Crassus, sed cum toto genere orationis severe ludas, cum aliter sentias ac loquare: ut noster Scaevola Septumuleio illi Anagnino, cui pro C. Gracchi capite erat aurum repensum, roganti ut se in Asiam praefectum duceret, 'Quid tibi vis,' inquit, 'insane? tanta malorum est multitudo civium ut tibi ego hoc confirmem, si Romae manseris, te paucis annis ad maximas pecunias esse
270 venturum.' In hoc genere Fannius in Annalibus suis Africanum hunc Aemilianum dicit fuisse egregium et Graeco eum verbo appellat εἴρωνα: sed, uti ferunt qui melius haec norunt, Socratem opinor in hac ironia dissimulantiaque longe lepore et humanitate omnibus praestitisse. Genus est perelegans et cum gravitate salsum, cumque oratoriis dictionibus tum urbanis
271 sermonibus accommodatum. Et hercule omnia haec quae a me de facetiis disputantur non maiora forensium actionum quam omnium sermonum condimenta

---

[a] Africanus, as censor, in reciting the valedictory prayers at the census, had taken a serious liberty with the ritual text.

[b] Africanus, as censor, had degraded Asellus to the class of voteless taxpayers, but his colleague Mummius had refused his necessary concurrence, and had thereby restored the *status quo* of Asellus. Africanus suggests that this action of Mummius left a taint upon the community.

[c] The bracketed passage is commonly regarded as a gloss.

[d] See Book II, lxv., *supra*.

Africanus, when Asellus taxed him with that unfortunate purification of his.[a] 'Do not be surprised,' said Africanus, 'for he who delivered you from disfranchisement completed the purification by sacrificing the bull.'[b] [So strong is mistrust that Mummius is thought to have laid the community under a religious obligation by having relieved Asellus from degradation.][c]

269 LXVII. "Irony too gives pleasure, when your words Irony,
differ from your thoughts, not in the way of which I spoke earlier, when you assert exactly the contradictory, as Crassus did to Lamia,[d] but when the whole tenor of your speech shows you to be solemnly jesting, what you think differing continuously from what you say; as our friend Scaevola observed to the notorious Septumuleius of Anagnia (to whom its weight in gold had been paid for the head of Gaius Gracchus), when he prayed to be taken into Asia as his lieutenant, 'Madman,' said Scaevola, 'what would you have? There is such a host of wicked citizens in Rome that I guarantee you, if you remain there, the attainment,
270 within a few years, of enormous wealth.' Fannius in his 'Chronicles' records that Africanus (the one named Aemilianus) was outstanding in this kind of thing, and describes him by the Greek word 'dissembler,' but, upon the evidence of those who know these subjects better than I do, my opinion is that Socrates far surpassed all others for accomplished wit in this strain of irony or assumed simplicity. This is a choice variety of humour and blended with austerity, and suited to public speaking as well as to
271 the conversation of gentlemen. And I vow that all this discourse of mine concerning types of pleasantry is as excellent sauce for general talk as for legal

sunt. Nam sicut quod apud Catonem est—qui multa rettulit, ex quibus a me exempli causa multa ponuntur—per mihi scitum videtur, C. Publicium solitum dicere, 'P. Mummium cuivis tempori hominem esse.' Sic profecto res se habet nullum ut sit vitae tempus in quo non deceat leporem humanitatemque versari. Sed redeo ad cetera.

272 Est huic finitimum dissimulationi cum honesto verbo vitiosa res appellatur: ut cum Africanus censor tribu movebat eum centurionem qui in Pauli pugna non adfuerat, cum ille se custodiae causa diceret in castris remansisse quaereretque cur ab eo notaretur, 'Non amo,' inquit, 'nimium diligentes.'

273 Acutum etiam illud est cum ex alterius oratione aliud excipias atque ille vult; ut Salinatori Maximus cum Tarento amisso arcem tamen Livius retinuisset multaque ex ea proelia praeclara fecisset, cum aliquot post annos Maximus id oppidum recepisset, rogaretque eum Salinator ut meminisset opera sua se Tarentum recepisse; 'Quidni,' inquit, 'meminerim? nunquam ego recepissem nisi tu perdidisses.'

274 Sunt etiam illa subabsurda, sed eo ipso nomine saepe ridicula, non solum mimis perapposita, sed etiam quodammodo nobis:

---

[a] The victory over Perseus at Pydna in 168 B.C.
[b] Quintus Fabius Maximus.
[c] Marcus Livius Salinator, this cognomen being probably a mistake of Cicero's for Macatus.

advocacy. For that phrase of Cato, who has recorded many such, several of which I cite in illustration, seems to me thoroughly fine, where he says that Gaius Publicius was fond of describing Publius Mummius as 'a man for any occasion whatever.' So certain is it, in the present connexion, that there is no occasion in life on which accomplished wit may not fittingly be displayed. But I return to what remains for my notice.

272 "A jest very closely resembles this ironical type when something disgraceful is called by an honourable epithet, as happened when Africanus as censor removed from his tribe that centurion who failed to appear at the battle [a] fought under Paulus, though the defaulter pleaded that he had stayed in camp on guard, and sought to know why he was degraded by the censor: 'I am no lover of the over-cautious,' was

273 the answer of Africanus. There is point too in taking some part of another's words in a sense differing from that which he intended, as Maximus [b] did with Salinator [c] when, after the loss of Tarentum, Livius had nevertheless held the citadel, and made a number of brilliant sallies from it, and Fabius, several years later, recaptured the town itself, whereupon Livius begged him to remember that the recapture of Tarentum had been due to his own achievement. 'To be sure, I shall remember that,' rejoined Fabius. 'I could never have recaptured the place had you not lost it.'

274 "Then there are jokes which are somewhat absurd, but for that very reason often comical, and which are appropriate not only to actors in farce, but also in some degree to us orators: examples of these are: arcical jests,

. . . Homo fatuus
Postquam rem habere coepit est emortuus.

Et

. . . Quid est tibi
Ista mulier? — Uxor. — Similis me dius fidius.

Et

Quamdiu ad aquas fuit, nunquam est emortuus.

LXVIII. Genus hoc levius, et, ut dixi, mimicum, sed habet nonnunquam aliquid etiam apud nos loci, ut vel non stultus quasi stulte cum sale dicat aliquid: ut tibi, Antoni, Mancia, cum audisset te censorem a M. Duronio de ambitu postulatum, 'Aliquando,'
275 inquit, 'tibi tuum negotium agere licebit.' Valde haec ridentur, et hercule omnia, quae a prudentibus [quasi] per dissimulationem [non intellegendi] subabsurde salseque dicuntur. Ex quo genere est etiam non videri intellegere quod intellegas; ut Pontidius, 'Qualem existimas qui in adulterio deprehenditur?' —'Tardum.' Ut ego, qui in delectu, Metello, cum excusationem oculorum a me non acciperet et
276 dixisset, 'Tu igitur nihil vides?'—'Ego vero,' inquam, 'a porta Esquilina video villam tuam.' Ut illud Nasicae, qui cum ad poetam Ennium venisset eique ab ostio quaerenti Ennium ancilla dixisset

[a] Apparently a warning that luxury and avarice are likely to engender disease.

[b] The innuendo seems to be, 'If you two are not married, you ought to be.'

[c] Perhaps a hint to 'let well alone.' Compare the epitaph to be read sixty years ago in a Devon churchyard:

'Here lies I and my two daughters,
All through drinking the Cheltenham waters;
If we'd have stuck to Epsom salts,
We'd never have come to these here vaults.'

The silly man,
As soon as he was growing rich he died.[a]

Or

And what to thee
Is yonder dame?—My wife!—Like one, Faith help me![b]

Also

As long as at the waters he remained,
He never died.[c]

LXVIII. "A jest of this sort is rather trivial, and, as I said, fit for farces, but now and then even we oratots find room for one of them, with the result that even a man who is no fool says something in the manner of a fool, but not without humour, as Mancia did to yourself, Antonius, on hearing that you were being prosecuted by Marcus Duronius for corrupt practices during your censorship; 'At last,' said he, 'you will be able to attend to business of your own.' *assumed simplicity,*
275 These jokes provoke hearty laughter, and so most assuredly does everything that is said ironically by the wise, and somewhat absurdly, but not without humour. Another jest from this class is pretending not to understand what you understand perfectly, as when Pontidius, being asked his opinion of the man who is taken in adultery, replied: 'He is a slowcoach,' or as when, at a muster of troops, Metellus rejected the excuse I pleaded of weak eyesight, and said to me,
276 'Can you then see nothing?', and I replied 'On the contrary, I can see your country-mansion from the Esquiline Gate.'[d] Another instance was that rejoinder of Nasica's: he had called upon the poet Ennius and, when he inquired for him at his front-

[d] Said to be a reflection on the ostentatious size and splendour of the mansion.

domi non esse, Nasica sensit illam domini iussu dixisse et illum intus esse; paucis post diebus cum ad Nasicam venisset Ennius et eum a ianua quaereret, exclamat Nasica se domi non esse; tum Ennius: 'Quid? ego non cognosco vocem,' inquit, 'tuam?' Hic Nasica: 'Homo es impudens. Ego cum te quaererem, ancillae tuae credidi te domi non esse; tu mihi non credis ipsi?'

277 Est bellum illud quoque ex quo is qui dixit irridetur in eo ipso genere quo dixit: ut, cum Q. Opimius consularis, qui adolescentulus male audisset, festivo homini Egilio, qui videretur mollior nec esset, dixisset, 'Quid tu, Egilia mea? quando ad me venis cum tua colu et lana?'—'Non pol,' inquit, 'audeo, nam me ad famosas vetuit mater accedere.'

278 LXIX. Salsa sunt etiam quae habent suspicionem ridiculi absconditam, quo in genere est Siculi illud, cui cum familiaris quidam quereretur quod diceret uxorem suam suspendisse se de ficu, 'amabo te,' inquit, 'da mihi ex ista arbore quos seram surculos.' In eodem genere est quod Catulus dixit cuidam oratori malo: qui cum in epilogo misericordiam se movisse putaret, postquam assedit, rogavit hunc videreturne misericordiam movisse; 'ac magnam qui-

door, had been told by the housemaid that her master was not at home, which reply Nasica perceived to have been given by the master's order, he being in fact in the house. A few days later Ennius called at Nasica's, and asked for him at the entrance, whereupon Nasica called out that he was not at home. 'What?', cries Ennius, 'Do I not know your voice?' To which Nasica rejoined, 'You are a shameless fellow; when I asked for you, I believed your maid when she said you were not at home; do you not believe me when I tell you the same thing at first hand?'

277 "It is delightful too when a jester is requited in the identical vein in which he himself bantered, as when Quintus Opimius, a past consul, but of bad repute in his early manhood, said to a wit named Egilius, who looked rather effeminate but was not so in fact, 'Well now, my dear Egilia, when are you coming to visit me with your distaff and wool?' 'Really I dare not come,' replied the other, 'for mother told me never to go near women of ill fame.'

278 LXIX. "Other witticisms are those that suggest a joke that is not quite on the surface; to this group belongs the quip of the Sicilian to whom a friend was lamenting because, as he told him, his wife had hanged herself from a fig-tree, and who replied, 'Do please let me have some cuttings from that tree of yours to plant.' In the same group is the remark made by Catulus to a poor speaker who, after resuming his seat with the impression that his concluding remarks had aroused the audience's pity, inquired of Catulus whether he thought he had been successful in arousing pity; 'Oh yes, and plenty of it,' was the reply, 'for I can't imagine

Hinted ridicule.

dem,' inquit, 'neminem enim puto esse tam durum
279 cui non oratio tua miseranda visa sit.' Me quidem hercule valde illa movent stomachosa et quasi submorosa ridicula—non cum a moroso dicuntur; tum enim non sal sed natura ridetur; in quo, ut mihi videtur, persalsum illud est apud Novium:

'Quid ploras, pater?'
'Mirum ni cantem! condemnatus sum.'

Huic generi quasi contrarium est ridiculi genus patientis ac lenti, ut, cum Cato percussus esset ab eo qui arcam ferebat, cum ille diceret, 'Cave!'
280 rogavit numquid aliud ferret praeter arcam. Est etiam stultitiae salsa reprehensio, ut ille Siculus, cui praetor Scipio patronum causae dabat hospitem suum, hominem nobilem, sed admodum stultum: 'Quaeso,' inquit, 'praetor, adversario meo da istum patronum, deinde mihi neminem dederis.' Movent illa etiam quae coniectura explanantur longe aliter atque sunt sed acute atque concinne: ut, cum Scaurus accusaret Rutilium ambitus cum ipse consul esset factus, ille repulsam tulisset, et in eius tabulis ostenderet litteras A. F. P. R. idque diceret esse 'ACTUM FIDE P. RUTILII,' Rutilius autem 'ANTE FACTUM, POST RELATUM,' C. Canius eques Romanus, cum Rufo adesset, exclamavit[1] neutrum illis litteris

[1] *Rackham:* exclamat.

[a] No Scipio is known to us to have been praetor in Sicily.
[b] Apparently the presiding magistrate assigned such assistance to a litigant who was a provincial and presumably ignorant of Roman law.

anybody could be so hard-hearted as not to have
279 thought your speech a pitiable performance.' For my own part I vow I am also much amused by those pettish and rather ill-tempered jests—but not when they are spoken by an ill-tempered person, for then it is not his wit but his character that we laugh at; and this point to my mind is very neatly put in the lines in Novius:

'Sire, why dost thou lament?'
''Twere strange did I not sing, who am under sentence!'

A kind of jest that is just the opposite of this is the tolerant and gentle sort—for example, Cato's when he had been jostled by a man carrying a box, who said 'Look out,' and he asked 'What, are you carry-
280 ing something else beside that box?' There is also a neat way of reproving folly, for instance the remark of the Sicilian to whom Scipio[a] when praetor was assigning as counsel in a law-suit his host, a person of position but rather stupid: 'Pray, Mr. Praetor, assign that gentleman as counsel[b] to my opponent, and then I will not ask you to assign any counsel to me.' Also effective are conjectural explanations of a document that are completely at variance with the real meaning but are cleverly and wittily put: as for instance, in the prosecution of Rutilius by Scaurus on the charge of corrupt practices in the election to the consulship which Scaurus himself had won and Rutilius had lost, when Scaurus called attention to the entry A.F.P.R. in Rutilius's election accounts, and said that they stood for 'Acting for Pubilius Rutilius,' whereas Rutilius said they meant 'Allocated formerly, posted up recently,' Sir Gaius Canius, who appeared for Rufus, called out that both

declarari; 'Quid ergo?' inquit Scaurus; 'Aemilius fecit, plectitur Rutilius.'

281 LXX. Ridentur etiam discrepantia. 'Quid huic abest nisi res et virtus?' Bella etiam est familiaris reprehensio quasi errantis; ut cum obiurgavit Albium Granius quod, cum eius tabulis quiddam ab Albucio probatum videretur, et valde absoluto Scaevola gauderet neque intellegeret contra suas tabulas
282 esse iudicatum. Huic similis est etiam admonitio in consilio dando familiaris, ut, cum patrono malo cum vocem in dicendo obtudisset suadebat Granius ut mulsum frigidum biberet simul ac domum redisset, 'Perdam,' inquit, 'vocem, si id fecero';
283 'Melius est,' inquit, 'quam reum.' Bellum etiam est cum quid cuique sit consentaneum dicitur; ut, cum Scaurus nonnullam haberet invidiam ex eo quod Phrygionis Pompei locupletis hominis bona sine testamento possederat, sederetque advocatus reo Bestiae, cum funus quoddam duceretur, accusator C. Memmius: 'Vide,' inquit, 'Scaure, mortuus
284 rapitur, si potes esse possessor.' Sed ex his omnibus nihil magis ridetur quam quod est praeter exspectationem, cuius innumerabilia sunt exempla, vel Appii maioris illius, qui in senatu cum ageretur de agris

[a] Probably the grandfather of Cicero's enemy P. Clodius.

these interpretations of the initials were wrong. 'What do they mean then?' said Scaurus. 'Aemilius filched. Punish Rutilius.'

281 LXX. "A laugh is also scored by sentences that do not hang together: 'What does this gentleman lack—except cash and character?' Another pretty turn is a friendly criticism of an implied mistake, as when Granius reproved Albius because, when Albucius was held to have proved a statement on the evidence of Albius's accounts, Albius was not only much delighted by Scaevola's acquittal but actually failed to see that a verdict had been given against his own
282 accounts. Also similar to this is giving a friendly hint by way of advice: for instance, when Granius was recommending an incompetent advocate who in the course of a speech had talked himself hoarse to have a drink of chilled wine and honey as soon as he got home, he answered 'If I do that, I shall ruin my voice,' and Granius retorted 'Better ruin your voice
283 than ruin your client.' It is also a neat turn to point out what goes with anybody's individual characteristics; as for instance, when Scaurus was somewhat under a cloud for having taken possession of the estate of a wealthy person named Pompeius Phrygio who had died intestate, and was appearing in court as an assessor on behalf of a defendant named Bestia, a funeral happened to pass by, and Gaius Memmius who was for the prosecution said, 'Look, Scaurus, there's a dead man being bundled out of the way—if
284 only you can get possession.' But of all these devices nothing causes more amusement than an unexpected turn, of which there are countless instances—for example, the remark of old Appius senior,[a] who when there was a debate in the Senate about the

unexpected turns,

publicis et de lege Thoria et premeretur Lucilius ab eis qui a pecore eius depasci agros publicos dicerent, 'Non est,' inquit, 'Lucilii pecus illud; erratis' — defendere Lucilium videbatur — 'ego
285 liberum puto esse: qua libet pascitur.' Placet etiam mihi illud Scipionis illius qui Tib. Gracchum perculit: cum ei M. Flaccus multis probris obiectis P. Mucium iudicem tulisset, 'Eiero,' inquit, 'iniquus est'; cum esset admurmuratum, 'Ah,' inquit, 'P. C., non ego mihi illum iniquum eiero, verum omnibus.' Ab hoc vero Crasso nihil facetius: cum laesisset testis Silus Pisonem quod se in eum audisse dixisset, 'Potest fieri,' inquit, 'Sile, ut is unde te audisse dicis, iratus dixerit.' Annuit Silus. 'Potest etiam, ut tu non recte intellexeris.' Id quoque toto capite annuit, ut se Crasso daret. 'Potest etiam fieri,' inquit, 'ut omnino, quod te audisse dicis, nunquam audieris.' Hoc ita praeter exspectationem accidit ut testem omnium risus obrueret. Huius generis est plenus Novius, cuius iocus est familiaris 'Sapiens si algebis, tremes.' Et alia permulta.

286 LXXI. Saepe etiam facete concedas adversario id

[a] Presumably the poet, *cf.* § 25.

lands in public ownership and the Lex Thoria, and Lucilius[a] was being attacked by members who asserted that his herd was being grazed on the lands in question, said 'No, that herd does not belong to Lucilius; you are making a mistake'—this sounded as if he were speaking in Lucilius's defence—'My own view is that it is a herd that's got free—it grazes freely
285 where it pleases.' I also like the remark of the Scipio who made away with Tiberius Gracchus: when Marcus Flaccus after a great many damaging objections had been made had carried Publius Mucius as a member of the jury, Scipio said 'I challenge him on oath: he is prejudiced!'; at this there was a murmur, but Scipio continued, 'Ah, gentlemen, I don't challenge him as prejudiced against myself, but as prejudiced against everybody.' From this point of view however nothing could be wittier than the remark of Crassus: serious damage had been done to the case of a certain Piso by a witness named Silus, who had said that he had heard something against him; 'It may be the case, Silus,' said Crassus, 'that the person whose remark you say you heard was speaking in anger.' Silus nodded assent. 'It is also possible that you misunderstood him.' To this also Silus nodded very emphatic assent, so putting himself into Crassus's hands. 'It is also possible,' he continued, 'that what you say you heard, you never really heard at all.' This was so entirely unexpected a turn that the witness was overwhelmed by a burst of laughter from the whole court. Novius is full of quips of this sort: everyone knows his jape, 'Even a philosopher like you, if he is cold, will shiver,' and a great many more.

286 LXXI. "Also you may often humorously yield to personal retorts.

ipsum quod tibi ille detrahit: ut C. Laelius, cum ei quidam malo genere natus diceret indignum esse suis maioribus, 'At hercule,' inquit, 'tu tuis dignus.' Saepe etiam sententiose ridicula dicuntur, ut M. Cincius, quo die legem de donis et muneribus tulit, cum C. Cento prodisset et satis contumeliose 'Quid fers, Cinciole?' quaesisset, 'Ut emas,' in-
287 quit, 'Gai, si uti velis.' Saepe etiam salse quae fieri non possunt optantur: ut M. Lepidus, cum ceteris in campo exercentibus in herba ipse recubisset: 'Vellem hoc esset,' inquit, 'laborare.' Salsum est etiam quaerentibus et quasi percontantibus, lente respondere quod nolint: ut censor Lepidus cum M. Antistio Pyrgensi equum ademisset, amicique cum vociferarentur et quaererent quid ille patri suo responderet cur ademptum sibi equum diceret cum optimus colonus, parcissimus, modestissimus, frugalissimus esset: 'Me istorum,' inquit, 'nihil credere.'
288 Colliguntur a Graecis alia nonnulla, exsecrationes, admirationes, minationes, sed haec ipsa nimis mihi videor in multa genera descripsisse; nam illa quae verbi ratione et vi continentur certa fere ac definita sunt quae plerumque, ut ante dixi, laudari magis
289 quam rideri solent; haec autem quae sunt in re ipsa

[a] The *praenomen*, like a Christian name, has a note of familiarity which might be complimentary, but here is contemptuous, and is a retort to the diminutive *Cinciole*, which also has a touch of contempt, as has the question *Quid fers?* which suggests 'What do you offer for sale?' [b] §254.

your opponent the very point that he is trying to make against you: for instance Gaius Laelius, when some low-born person told him he was not worthy of his ancestors, retorted 'But you *are* worthy of yours, I swear you are!' Also jests at the other's expense are often expressed in an epigrammatic form: for instance, on the day when Marcus Cincius carried a bill dealing with gifts and presentations, Gaius Cento came forward and asked in a rather insulting manner, 'What are you putting forward, my good Cincius?' And Cincius replied 'That if you want to use a thing,
287 Gaius,[a] you should pay for it!' Also it is often witty to wish for things that are impossible: as, for instance, when Marcus Lepidus was sprawling on the grass himself while everybody else was doing exercises in the field, he said 'I wish that hard work were what I am doing.' Also when people ask you something and keep on repeating the question it is witty gently to give the very reply they don't want: for example when the censor Lepidus had taken a horse from Marcus Antistius of Pyrgi and Antistius's friends made an outcry and kept asking him what answer he should give his father to explain why his horse had been taken away from him, a first-class farmer, and an extremely economical and moderate and thrifty person, he said his answer would be 'I
288 don't accept any of that!' The Greeks include some other varieties, execration, astonishment, threats, but I feel I have overdone my classification of these witticisms already; for the notions contained in the meaning and force of a word are usually clear and definite, and most of them, as I said before,[b] usually
289 excite more applause than ridicule; whereas the points comprised in the actual fact and meaning,

et sententia partibus sunt innumerabilia, generibus pauca; exspectationibus enim decipiendis et naturis aliorum irridendis [ipsorum ridicule indicandis][1] et similitudine turpioris et dissimulatione et subabsurda dicendo et stulta reprehendendo risus moventur, itaque imbuendus est is qui iocose volet dicere quasi natura quadam apta ad haec genera et moribus, ut ad cuiusque modi genus ridiculi vultus etiam accommodetur; qui quidem quo severior est et tristior, ut in te, Crasse, hoc illa quae dicuntur salsiora videri solent.

290 Sed iam tu, Antoni, qui hoc deversorio sermonis mei libenter acquieturum te esse dixisti, tanquam in Pomptinum deverteris, neque amoenum neque salubrem locum, censeo ut satis diu te putes requiesse et iter reliquum conficere pergas.

Ego vero, atque hilare quidem a te acceptus, inquit, et cum doctior per te, tum etiam audacior factus iam ad iocandum; non enim vereor ne quis me in isto genere leviorem iam putet, quoniam quidem tu Fabricios mihi auctores, et Africanos, Maxi-
291 mos, Catones, Lepidos protulisti. Sed habetis ea quae vultis ex me audire, de quibus quidem accuratius dicendum et cogitandum fuit: nam cetera faciliora sunt, atque ex eis quae dicta sunt reliqua

[1] *secl. Wilkins.*

though falling into innumerable divisions, only belong to a few main classes; what excites laughter is disappointing expectations and ridiculing other people's characters and imitating a baser person and dissembling and saying things that are rather silly and criticizing points that are foolish, and consequently a person who wants to speak humorously must be equipped with a disposition and character that is suited to artifices of this kind, so that even his expression of countenance may be adapted to each kind of variety of the ridiculous; and indeed the sterner and gloomier a man's expression is, as in your case, Crassus, the more humorous as a rule his remarks are considered.

290 "Well, Antonius, you said you would be glad of a rest at this house of entertainment, which is what my discourse is, but you must imagine the resort you have visited to be in the Pomptine marshes, not a very agreeable or very salubrious locality, so I advise you to decide that you have had a sufficient rest and to push on to complete the remainder of your journey."

Antonius resumes (from § 216) as to *inventio*: he begins with the strong points of his own case and his opponents'.

"Yes, I will, and that after being amusingly entertained by you, and having, thanks to you, become not only a better scholar but also a more reckless jester; for now I'm not afraid of anybody thinking me too frivolous in that line, inasmuch as you have supplied me with such authorities as Fabricius, and
291 also Africanus, Maximus, Cato and Lepidus. But now you have got the points you wanted to hear from me, points which did in fact require more careful statement and consideration, inasmuch as all the others are easier, and the points that remain all spring directly out of those that have been put.

nascuntur omnia. LXXII. Ego enim cum ad causam sum aggressus atque omnia cogitando quoad facere potui persecutus, cum et argumenta causae et eos locos quibus animi iudicum conciliantur et illos quibus permoventur vidi atque cognovi, tum constituo quid habeat causa quaeque boni, quid mali; nulla enim fere potest res in dicendi disceptationem aut controversiam vocari quae non habeat utrumque, sed
292 quantum habeat id refert; mea autem ratio in dicendo haec esse solet, ut boni quod habeat id amplectar, exornem, exaggerem, ibi commorer, ibi habitem, ibi haeream, a malo autem vitioque causae ita recedam non ut me id fugere appareat sed ut totum bono illo ornando et augendo dissimulatum obruatur; et, si causa est in argumentis, firmissima quaeque maxime tueor, sive plura sunt sive aliquod unum; sin autem in conciliatione aut in permotione causa est, ad eam me potissimum partem quae maxime movere animos hominum potest confero.
293 Summa denique huius generis haec est, ut si in refellendo adversario firmior esse oratio quam in confirmandis nostris rebus potest, omnia in illum tela conferam, sin nostra probari facilius quam illa redargui possunt, abducere animos a contraria de-
294 fensione et ad nostram coner[1] deducere. Duo denique illa quae facillima videntur, quoniam quae difficiliora

[1] *Rackham*: conor.

LXXII. For my part when I am launched on a case and have to the best of my ability passed all the facts under consideration, having discerned and ascertained the arguments that belong to the case and also the topics calculated to win the favour of the court and those adapted to arouse its emotions, I then decide what are the good and what the bad points in the case of each of the parties, as it is almost impossible for any matter to be brought under discussion or dispute which does not contain both—the thing that matters is *how much* of them it contains;
292 but my own method in a speech usually is to take the good points of my case and elaborate these, embellishing and enlarging and lingering and dwelling on and sticking to them, while any bad part or weakness in my case I leave on one side, not in such a manner as to give the appearance of running away from it but so as to disguise it and entirely cover it up by embellishing and amplifying the good point referred to; and if the case is one that turns on arguments, I maintain all the strongest among them in the fullest measure, whether they are several or only one, or if it is a matter of winning favour or arousing feeling, I concentrate particularly on the part of the case that is most capable of influencing
293 men's minds. In short, the chief thing in a case of this kind is, if my speech can be stronger in refuting our opponent than in proving our own points, for me to concentrate all my shafts upon him, but if on the contrary our points can be more easily proved than his can be refuted, to aim at drawing off their attention from our opponent's defence and directing it to
294 our own. Finally there are two lines that appear extremely easy—as the more difficult ones are beyond

sunt non possum, mihi pro meo iure sumo : unum ut molesto aut difficili argumento aut loco nonnunquam omnino nihil respondeam, quod forsitan aliquis iure irriserit—quis enim est qui id facere non possit ? sed tamen ego de mea nunc, non de aliorum facultate disputo, confiteorque me si quae premat res vehementius ita cedere solere ut non modo non abiecto, sed ne reiecto quidem scuto fugere videar, sed adhibere quamdam in dicendo speciem atque pompam et pugnae similem fugam ; consistere vero in meo praesidio sic ut non fugiendi hostis sed capiendi loci
295 causa cessisse videar ; alterum est illud quod ego maxime oratori cavendum et providendum puto quodque me sollicitare summe solet : non tam ut prosim causis elaborare soleo quam ut ne quid obsim ; non quin enitendum sit in utroque, sed tamen multo est turpius oratori nocuisse videri causae quam non profuisse. LXXIII. Sed quid hoc loco vos inter vos, Catule ? An haec ut sunt contemnenda contemnitis ?

Minime, inquit ille, sed Caesar de isto ipso quiddam velle dicere videbatur.

my power—which I adopt as being entitled to do so : one is that, when I encounter a troublesome or difficult argument or topic, occasionally I make no reply to it at all : a method on which somebody will perhaps justly pour ridicule—for who is there who would not be capable of adopting it ? but all the same it is my own capacity and not that of other people which I am now discussing, and I frankly confess that I make it a practice, if some matter presses rather too forcibly upon me, to retire, but in such a manner as not to look as if I were running away even with my shield slung behind my back, much less after throwing it away, but to exhibit a certain seemliness and dignity in my delivery, and to execute a retreat that looks like a fight ; and when I come to a halt to stand on my guard in such a manner as to appear to have given ground for the sake of taking up a certain position, not for the sake of escaping the
295 enemy ; the other line is one which I for my part think a speaker should only adopt with very great caution and preparation, and which regularly causes me an extreme amount of trouble : my practice is not to devote my efforts to further the advancement of my cases but to avoid doing them any damage ; not but what it is proper to use every effort in achieving both, but it is much more damaging to a speaker's reputation to be deemed to have done harm to his case than not to be thought to have advanced it. LXXIII. But what are you whispering among yourselves at this point, Catulus ? Do you despise these things as they deserve to be despised ? "

" By no means," he said, " but we thought that Caesar wanted to say something on just the point you are treating."

Me vero libente, inquit Antonius, dixerit sive refellendi causa sive quaerendi.

296 Tum Iulius: Ego mehercule, inquit, Antoni, semper is fui qui de te oratore sic praedicarem, unum te in dicendo mihi videri tectissimum, propriumque hoc esse laudis tuae, nihil a te unquam esse dictum quod obesset ei pro quo diceres; idque memoria teneo, cum mihi sermo cum hoc ipso Crasso multis audientibus esset institutus Crassusque plurimis verbis eloquentiam laudaret tuam, dixisse me cum ceteris tuis laudibus hanc esse vel maximam, quod non solum quod opus esset diceres sed etiam
297 quod non opus esset non diceres: tum illum mihi respondere memini, cetera in te summe esse laudanda, illud vero improbi esse hominis et perfidiosi, dicere quod alienum esset et noceret ei pro quo quisque diceret; quare non sibi eum disertum qui id non faceret videri sed improbum, qui faceret. Nunc, si tibi videtur, Antoni, demonstres velim quare tu hoc ita magnum putes, nihil in causa mali facere, ut nihil tibi in oratore maius esse videatur.

298 LXXIV. Dicam equidem, Caesar, inquit, quid intellegam, sed et tu, et vos omnes hoc, inquit, mementote, non me de perfecti oratoris divinitate quadam loqui sed de exercitationis et consuetudinis meae mediocritate. Crassi quidem responsum excel-

"Oh, as for me," said Antonius, "I should be delighted for him to speak, whether with the object of refuting me or of asking me a question."

296 "For my own part, Antonius," rejoined Julius, "I declare I have always taken the line of maintaining, in regard to your powers as a speaker, that in my view you were quite exceptionally guarded in your utterances, and that it was your special distinction that nothing had ever fallen from you that would damage the client you were defending; and I clearly remember that when I was engaged in a debate with Crassus here, before a large audience, and Crassus extolled your eloquence at great length, what I said was that together with all your other claims to distinction the greatest one was that you not only said the proper thing but also avoided saying what was
297 not the proper thing; and thereupon I remember Crassus rejoining that while all your other qualities were most deserving of praise, to say something untoward and damaging to one's client showed complete lack of principle and of loyalty, and consequently he did not consider a man to be a good speaker if he did not do so but an unprincipled person if he did. At this point, Antonius, if agreeable to you, I should like you to explain for what reason you put so high a value on this avoidance of doing any damage to one's case that you think it to be a speaker's most important qualification."

298 LXXIV. "I will tell you what my own view is, Caesar," he said, "but I must request you and all the rest of the company to bear in mind that I am not speaking of the inspired genius of a consummate orator but of the moderate level attained by practice and habituation in my own case. The answer given

lentis cuiusdam est ingeni ac singularis; cui quidem portenti simile esse visum est posse aliquem inveniri oratorem qui aliquid mali faceret dicendo obessetque
299 ei quem defenderet; facit enim de se coniecturam, cuius tanta vis ingeni est ut neminem nisi consulto putet quod contra se ipsum sit dicere; sed ego non de praestanti quadam et eximia sed prope de vulgari et communi vi nunc disputo. Ita apud Graecos fertur incredibili quadam magnitudine consili atque ingeni Atheniensis ille fuisse Themistocles; ad quem quidam doctus homo atque in primis eruditus accessisse dicitur eique artem memoriae, quae tum primum proferebatur, pollicitus esse se traditurum; cum ille quaesisset quidnam illa ars efficere posset, dixisse illum doctorem ut omnia meminisset; et ei Themistoclem respondisse gratius sibi illum esse facturum si se oblivisci quae vellet quam si
300 meminisse docuisset. Videsne quae vis in homine acerrimi ingeni, quam potens et quanta mens fuerit? qui ita responderit ut intellegere possemus nihil ex illius animo quod semel esset infusum unquam effluere potuisse, cum quidem ei fuerit optabilius oblivisci posse potius quod meminisse nollet quam quod semel audisset vidissetve meminisse. Sed neque propter hoc Themistocli responsum memoriae nobis opera danda non est neque illa mea cautio et

by Crassus is of course the verdict of a quite outstanding and unrivalled intellect—of course he deems it miraculous that any speaker could be found whose oratory would actually damage and prejudice the
299 case of his client. This is because he judges from himself, being a person of such a strong intellect that he cannot imagine anybody saying anything to his own detriment, unless he did so on purpose. But I am not at the moment talking about some outstanding and exceptional ability but about ordinary average capacity. For instance, we are told that the famous Athenian Themistocles was endowed with wisdom and genius on a scale quite surpassing belief; and it is said that a certain learned and highly accomplished person went to him and offered to impart to him the science of mnemonics, which was then being introduced for the first time; and that when Themistocles asked what precise result that science was capable of achieving, the professor asserted that it would enable him to remember everything; and Themistocles replied that he would be doing him a greater kindness if he taught him to forget what he
300 wanted than if he taught him to remember. Do you observe what mental force and penetration the man possessed, what power and range of intellect? inasmuch as his answer brings home to us that nothing that had once been introduced into his mind had ever been able to pass out of it, inasmuch as he would rather have been able to forget something that he did not wish to remember than to remember everything that he had once heard or seen. But this reply of Themistocles must not cause us to neglect the training of the memory, and the exceptional intellectual powers of Crassus must not make us

timiditas in causis propter praestantem prudentiam Crassi neglegenda est; uterque enim istorum non mihi attulit aliquam sed suam significavit faculta-
301 tem. Etenim permulta sunt in causis in omni parte orationis circumspicienda ne quid offendas, ne quo irruas: saepe aliqui testis aut non laedit aut minus laedit nisi lacessatur; orat reus, urgent advocati ut invehamur, ut maledicamus, denique ut interrogemus: non moveor, non obtempero, non satisfacio—neque tamen ullam assequor laudem, homines enim imperiti facilius quod stulte dixeris reprehendere
302 quam quod sapienter tacueris laudare possunt. Hic quantum fit mali si iratum, si non stultum, si non levem testem laeseris! Habet enim et voluntatem nocendi in iracundia et vim in ingenio et pondus in vita. Nec, si hoc Crassus non committit, ideo non multi et saepe committunt; quo quidem mihi turpius videri nihil solet quam quod ex oratoris dicto aliquo aut responso aut rogato sermo ille sequitur: 'Occidit.' 'Adversariumne?' 'Immo vero,' aiunt, 'se
303 et eum quem defendit.' LXXV. Hoc Crassus non putat nisi perfidia accidere posse, ego autem saepissime video in causis aliquid mali facere homines minime malos. Quid, illud quod supra dixi, solere me cedere, et, ut planius dicam, fugere ea quae

ignore the caution and nervousness in pleading a case that I assigned to myself; for neither Themistocles nor Crassus attributed any competence to me,
301 but indicated competence of their own. The fact is that in actions at law there are a great many precautions that you have to take in every part of your speech so as not to make a slip and run your head against some obstacle: frequently a witness does no damage, or less damage, if he is not challenged; the defendant implores us and his supporters urge us to attack him, to abuse him, and finally to cross-examine him, but I pay no attention, I won't give way to them or oblige them—though all the same I do not get any praise for this, as ill-informed persons are more capable of criticizing one's foolish assertions than
302 one's wise omissions. In this department, how much harm is done if you fall foul of a witness who has lost his temper, and is no fool, and a person of consideration! His anger supplies him with the wish to injure you, his ability with the power to do so, and his past record with influence. And even if Crassus does not make this mistake, it does not follow that it is not made by many people and frequently; and for my part I always think nothing more disgraceful than when some statement or reply or question made by a speaker is followed by the remark 'He's done for it!' 'Done for his opponent?' 'Oh no,' they say,
303 'done for himself and his client.' LXXV. Crassus holds the view that this can only happen through treachery, but I myself quite often see definite harm done in law-suits by persons who are not in the least malicious. Come, in regard to what I said previously, that I make a practice of giving way on, or to put it more plainly running away from, points that tell

Precaution against damaging one's own case.

valde causam meam premerent, cum id non faciunt alii versanturque in hostium castris ac sua praesidia dimittunt, mediocriterne causis nocent cum aut adversariorum adiumenta confirmant aut ea quae
304 sanare nequeunt exulcerant? Quid, cum personarum quas defendunt rationem non habent, si quae sunt in eis invidiosa non mitigant extenuando sed laudando et efferendo invidiosiora faciunt, quantum est in eo tandem mali? Quid, si in homines caros iudicibusque iucundos sine ulla praemunitione orationis acerbius et contumeliosius invehare, nonne a te iudices
305 abalienes? Quid, si quae vitia aut incommoda sunt in aliquo iudice uno aut pluribus, ea tu in adversariis exprobrando non intellegas te in iudices invehi, mediocrene peccatum est? Quid, si cum pro altero dicas, litem tuam facias aut laesus efferare iracundia, causam relinquas, nihilne noceas? In quo ego non quo libenter male audiam sed quia causam non libenter relinquo nimium patiens et lentus existimor; ut cum te ipsum, Sulpici, obiurgabam quod ministratorem peteres, non adversarium; ex quo etiam illud assequor, ut si quis mihi maledicat
306 petulans aut plane insanus esse videatur. In ipsis autem argumentis si quid posueris aut aperte falsum aut ei quod dixeris dicturusve sis contrarium aut

heavily against my case: well, when other people do not do this, and roam about inside the enemy's camp and disband their own forces, is the damage they do to their cases inconsiderable—when they either strengthen their opponents' supports or aggra-
304 vate sores which they are unable to heal? Come, when they take no account of the characters of the people they are defending, if they do not mitigate any unpopular traits in them by minimizing their importance but increase their unpopularity by praising and parading them, how much harm pray is there in this? Come, if without any preparatory fortification of your position you deliver a rather bitter and insulting attack on persons held in esteem and popular with the court, do you not set the bench
305 against you? Come, if you taunt your opponents with vices or failings that are present in one or in several of the judges without realizing that you are delivering an attack on the bench, is it a trifling mistake that you have committed? Come, if when speaking on behalf of a client you make yourself morally responsible, or when provoked lose your temper and let yourself go, losing sight of your case, are you not doing any harm? This is a matter in which I myself am considered too tolerant and gentle, not because I like being abused but because I do not like abandoning my case—for instance, when I taunted you yourself, Sulpicius, for attacking your assistant and not your opponent; and this method also secures me the result that if somebody abuses me, he appears to be making a wanton attack, or
306 else to be quite off his head. Then if your actual arguments include something that is obviously untrue, or inconsistent with what you have said or are

genere ipso remotum ab usu iudiciorum ac foro, nihilne noceas? Quid multa? Omnis cura mea solet in hoc versari semper—dicam enim saepius—si possim, ut boni efficiam aliquid dicendo, sin id minus, ut certe ne quid mali.

307 LXXVI. Itaque nunc illuc redeo, Catule, in quo tu me paulo ante laudabas, ad ordinem collocationemque rerum ac locorum; cuius ratio est duplex, altera quam affert natura causarum, altera quae oratorum iudicio et prudentia comparatur: nam ut aliquid ante rem dicamus, deinde ut rem exponamus, post ut eam probemus nostris praesidiis[1] confirmandis, contrariis refutandis, deinde ut concludamus atque
308 ita peroremus, hoc dicendi natura ipsa praescribit; ut vero statuamus ea quae probandi et docendi causa dicenda sunt quemadmodum componamus, id est vel maxime proprium oratoris prudentiae. Multa enim occurrunt argumenta, multa, quae in dicendo profutura videantur; sed eorum partim ita levia sunt ut contemnenda sint, partim, etiam si quid habent adiumenti, sunt nonnunquam eiusmodi ut insit in eis aliquid viti, neque tanti sit illud quod prodesse
309 videatur ut cum aliquo malo coniungatur; quae autem utilia sunt atque firma, si ea tamen, ut saepe fit, valde multa sunt, ea quae ex eis aut levissima

[1] [praesidiis] *Vassis.*

going to say, or intrinsically out of keeping with the practice of the courts and with public life, would you be doing no harm? In short, the whole of my efforts are always regularly devoted to this—for I will go on repeating it—if possible to do some good by speaking, or if that is not possible, at all events not to do any harm.

307 LXXVI. "Accordingly I now return to the point in respect of which, Catulus, you were praising me just now, the question of the order and arrangement of one's facts and topics. In respect of this there are two rules of procedure, one arising from the nature of the cases and the other contributed by the discretion and the wisdom of the speakers: for to make some prefatory remarks, then to set out our case, afterwards to prove it by establishing our own points with arguments in their favour and refuting our adversary's points, then to wind up our case and so to come to our conclusion—this is the procedure
308 enjoined by the very nature of oratory; but to decide how to arrange the statements that have to be made for the purpose of establishing and explaining our case—that is in the highest degree a task for professional skill. For many arguments occur to us, and many considerations that appear likely to be of use to us in speaking; but some of these are so unimportant as not to deserve notice, and some, even if they offer some amount of assistance, are occasionally of such a nature that they contain some flaw and that the amount of assistance they seem to provide is not of such value as to be used in conjunction with
309 a definitely detrimental point; while if nevertheless, as frequently happens, there are numerous advantages and strong arguments, in my judgement those

Arrangement:

sunt aut aliis gravioribus consimilia, secerni arbitror oportere atque ex oratione removeri: equidem cum colligo argumenta causarum, non tam ea

310 numerare soleo quam expendere. LXXVII. Et quoniam, quod saepe iam dixi, tribus rebus homines ad nostram sententiam perducimus, aut docendo aut conciliando aut permovendo, una ex tribus his rebus res prae nobis est ferenda, ut nihil aliud nisi docere velle videamur, reliquae duae, sicuti sanguis in corporibus, sic illae in perpetuis orationibus fusae esse debebunt. Nam et principia et ceterae partes orationis, de quibus paulo post pauca dicemus, habere hanc vim magnopere debent, ut ad eorum mentes apud quos agetur movendas pertinere

311 possint; sed his partibus orationis quae, et si nihil docent argumentando, persuadendo tamen et commovendo proficiunt plurimum, quanquam maxime proprius est locus et in exordiendo et in perorando, digredi tamen ab eo quod proposueris atque agas permovendorum animorum causa saepe utile est;

312 itaque vel re narrata et exposita saepe datur ad commovendos animos digrediendi locus, vel argumentis nostris confirmatis vel contrariis refutatis vel utroque loco vel omnibus, si habet eam causa dignitatem atque copiam, recte id fieri potest; eaeque causae sunt ad augendum et ad ornandum

[a] §§ 326, 333.

among them that are the least weighty or that closely resemble others that are weightier ought to be discarded and left out of the speech: in my own case when I am collecting arguments for my cases I make it my practice not so much to count them as to weigh

310 them. LXXVII. And because (as I have repeatedly said already) there are three methods of bringing people to hold our opinion, instruction or persuasion or appeal to their emotions, one of these three methods we must openly display, so as to appear to wish solely to impart instruction, whereas the two remaining methods should be interfused throughout the whole of the structure of our speeches like the blood in our bodies. For as for the exordium and the other divisions of a speech, about which we shall make a few remarks a little later,[a] it is essential that they should have the power of being able to exert this

311 influence in stirring the minds of the audience; but in regard to the portions of a speech that in spite of proving no point by means of argument, nevertheless have a very great effect in persuading and arousing emotion, although the most appropriate place for them is in the introduction and the conclusion, nevertheless it is often useful to digress from the subject one has put forward and is dealing with, for the pur-

places for appeals to emotion;

312 pose of arousing emotion; and accordingly very often either a place is given to a digression devoted to exciting emotion after we have related the facts and stated our case, or this can rightly be done after we have established our own arguments or refuted those of our opponents, or in both places, or in all the parts of the speech, if the case is one of this importance and extent; and the cases that are the weightiest and fullest for amplification and embellishment are those

gravissimae atque plenissimae quae plurimos exitus dant ad eiusmodi digressionem, ut eis locis uti liceat quibus animorum impetus eorum qui audiunt aut
313 impellantur aut reflectantur. Atque etiam in illo reprehendo eos qui quae minime firma sunt ea prima collocant; in quo illos quoque errare arbitror qui, si quando—id quod mihi nunquam placuit—plures adhibent patronos, ut in quoque eorum minimum putant esse, ita eum primum volunt dicere: res enim hoc postulat, ut eorum exspectationi qui audiunt quam celerrime succurratur; cui si initio satisfactum non sit, multo plus sit in reliqua causa laborandum, male enim se res habet quae non statim ut dici
314 coepta est melior fieri videtur. Ergo ut in oratore optimus quisque, sic in oratione firmissimum quodque sit primum, dum illud tamen in utroque teneatur, ut ea quae excellent serventur etiam ad perorandum si quae erunt mediocria—nam vitiosis nusquam esse oportet locum—in mediam turbam
315 atque in gregem coniciantur. Hisce omnibus rebus consideratis tum denique id quod primum est dicendum postremum soleo cogitare, quo utar exordio; nam si quando id primum invenire volui, nullum mihi occurrit nisi aut exile aut nugatorium aut vulgare aut commune. LXXVIII. Principia autem dicendi semper cum accurata et acuta et instructa sententiis,

that give the greatest number of openings for a digression of this kind, so allowing the employment of the topics which either stimulate or curb the
313 emotions of the audience. And in regard to arrangement I also censure the people who place their weakest points first; and I think a mistake is also made in this respect by those who on occasions when they have several supporters to bring forward—a thing which I have never approved of doing—ask the particular one among them whom they think least influential to speak first; for the situation demands that the anticipation of the audience should be gratified as quickly as possible, and if it is not satisfied at the start, a great deal more work has to be put in during the remainder of the proceedings, for a case is in a bad way which does not seem to become
314 stronger as soon as it begins to be stated. Consequently as in the choice of speaker the best man on each occasion should come first, so in arrangement of the speech the strongest point should come first, provided nevertheless that in both cases the rule be kept to reserve one's outstanding resources to the actual peroration, while collecting into a general medley in the middle any points of moderate importance—bad points must not be given a place any-
315 where. Well, not till I have attended to all these matters, then finally my practice is to consider last of all the thing that has to come first in the speech—what introduction to employ: for whenever I have chosen to begin by ascertaining this, nothing has occurred to me that was not either bald or trifling or hackneyed or undistinctive. LXXVIII. But one's opening remarks, though they should always be carefully framed and pointed and epigrammatic and

strongest points should come first;

tactful introduction;

apta verbis, tum vero causarum propria esse debent; prima est enim quasi cognitio et commendatio orationis in principio, quaeque continuo eum qui audit
316 permulcere atque allicere debet. In quo admirari soleo non equidem istos qui nullam huic rei operam dederunt, sed hominem in primis disertum atque eruditum, Philippum, qui ita solet surgere ad dicendum ut quod primum verbum habiturus sit nesciat; et ait idem, cum brachium concalefecerit, tum se solere pugnare; neque attendit eos ipsos unde hoc simile ducat primas illas hastas ita iactare leniter ut et venustati vel maxime serviant et reliquis viribus suis
317 consulant. Neque est dubium quin exordium dicendi vehemens et pugnax non saepe esse debeat, sed si in ipso illo gladiatorio vitae certamine quo ferro decernitur tamen ante congressum multa fiunt quae non ad vulnus sed ad speciem valere videatur, quanto hoc magis in oratione est spectandum, in qua non vis potius quam delectatio postulatur! Nihil est denique in natura rerum omnium quod se universum profundat et[1] totum repente evolvat—sic omnia quae fiunt quaeque aguntur acerrime lenioribus principiis
318 natura ipsa praetexuit. Haec autem in dicendo non extrinsecus alicunde quaerenda sed ex ipsis visceribus causae sumenda sunt; idcirco tota causa pertemptata

[1] *Kayser:* et quod.

suitably expressed, must at the same time be appropriate to the case in hand; for the opening passage contains the first impression and the introduction of the speech, and this ought to charm and attract the
316 hearer straight away. This is a point in respect of which I am constantly surprised, not indeed at people who have given no attention to oratory, but at Philip, a person of outstanding and accomplished eloquence, whose habit it is to get up to make a speech without knowing what is to be the first word he will utter; what he says about it is that his way is to warm up his biceps first and then start fighting—not observing that even the professionals from whom he derives this metaphor when throwing the spear deliver their first throws gently, so as to make their movements as graceful as possible and also to economize the re-
317 mainder of their strength. Nor is there any doubt that the opening passage of a speech ought not as a rule to be of a forcible, fighting character; but if in an actual fight to the death between gladiators, where the decision is made by the steel, nevertheless before closing a number of strokes are made that seem not to be intended to inflict a wound but to be done for the sake of appearance, how much more proper is it for this to be taken into consideration in making a speech, where what is asked for is not so much force as entertainment! In conclusion, nothing exists in the physical universe that emerges as a whole and develops completely all in a moment: so true is it that all processes and actions of extreme rapidity have been provided by Nature herself with more
318 gentle commencements. But the opening passage in a speech must not be drawn from some outside source but from the very heart of the case; consequently

atque perspecta, locis omnibus inventis atque instructis
319 considerandum est quo principio sit utendum. Sic ut[1] facile reperientur—sumentur enim ex eis rebus quae erunt uberrimae vel in argumentis vel in eis partibus ad quas dixi digredi saepe oportere—ita momenti aliquid afferent, cum erunt paene ex intima defensione deprompta et apparebit ea non modo non esse communia nec in alias causas posse transferri sed penitus ex ea causa quae tum[2] agatur effloruisse.
320 LXXIX. Omne autem principium aut rei totius quae agetur significationem habere debebit aut aditum ad causam et communitionem aut quoddam ornamentum et dignitatem; sed oportet, ut aedibus ac templis vestibula et aditus, sic causis principia pro portione rerum praeponere; itaque in parvis atque infrequentibus causis ab ipsa re est exordiri saepe
321 commodius; sed cum erit utendum principio, quod plerumque erit, aut ex reo aut ex adversario aut ex re aut ex eis apud quos agetur sententias duci licebit. Ex reo—reos appello quorum res est—quae significent bonum virum, quae liberalem, quae calamitosum,

[1] *Warmington:* et. [2] tum *om. edd.*

our case must first be thoroughly considered and examined as a whole, and all our topics thought out and arranged, before we consider what opening to
319 employ. In this way just as openings will be easily discovered—for they will be taken from the subjects that will prove most fertile either in the argumentative passages or in the digressions upon which I said we must frequently enter—, so also they will contribute an element of movement, as they will be taken from almost the most essential part of the defence, and it will be felt not merely that they are not generalities and capable of being transferred into another case, but that they are essentially the natural outcome of the case under consideration. LXXIX.
320 Every introduction will have to contain either a statement of the whole of the matter that is to be put forward, or an approach to the case and a preparation of the ground, or else to possess some element of ornament and dignity; but the opening passage put at the beginning of a case should be in due proportion to the importance of the facts, just as a forecourt or an entrance should be properly proportioned to the mansion or temple to which it belongs; and consequently in petty cases and ones not attracting much attention it is often more suitable to start
321 straight away with the actual charge; whereas when it is proper to employ a formal opening, as will mostly be the case, it will be possible to draw subjects either from one's client or from one's opponent or from the charge or from the members of the court before whom it is to be brought. Points drawn from one's client—by clients I mean the persons concerned in the matter—are considerations showing him to be a man of high character, a gentleman, a victim of mis-

quae misericordia dignum, quae valeant contra falsam criminationem; ex adversario eisdem ex locis fere
322 contraria; ex re, si crudelis, si nefanda, si praeter opinionem, si immerito, si misera, si ingrata, si indigna, si nova, si quae restitui sanarique non possit; ex eis autem apud quos agetur, ut benevolos beneque existimantes efficiamus, quod agendo efficitur melius quam rogando. Est id quidem in totam orationem confundendum nec minime in extremam; sed tamen
323 multa principia ex eo genere gignuntur. Nam et attentum monent Graeci ut principio faciamus iudicem et docilem, quae sunt utilia, sed non principii magis propria quam reliquarum partium; faciliora etiam in principiis, quod et attenti tum maxime sunt cum omnia exspectant et dociles magis in initiis esse possunt; illustriora enim sunt quae in principiis quam quae in mediis causis dicuntur aut
324 arguendo aut refellendo. Maximam autem copiam principiorum ad iudicem aut alliciendum aut incitandum ex eis locis trahemus qui ad motus animorum conficiendos inerunt in causa, quos tamen totos explicare in principio non oportebit, sed tantum impelli iudicem primo leviter, ut iam inclinato reliqua incumbat oratio.
325 LXXX. Connexum autem

fortune deserving of compassion, and any facts that will tell against a false charge; from one's opponent, more or less the contrary assertions derived from the
322 same topics; from the matter charged, in case it is cruel or outrageous or improbable or undeserved or pitiable or showing ingratitude or unworthy or unprecedented or not admitting of compensation or remedy; from the members of the court, considerations designed to make them favourable and well-disposed towards us, which is better achieved by developing our case than by making a request for goodwill. Conciliation of the audience must indeed permeate the whole of the speech, and especially the peroration, but nevertheless this class of consideration does supply a great many modes of opening.
323 For the Greeks advise us to use the opening passage for securing the attention of the judge and making him receptive, and these are valuable things, though they do not belong more to the introduction than to the other parts of a speech; moreover they are easier in the introduction, because the audience are most attentive when they have the whole of the speech to look forward to, and also they are more receptive at the start, for statements made at the beginning, whether aimed at proof or at refutation, stand out clearer than those made in the middle of a case.
324 But we shall derive our greatest supply of openings designed either to conciliate or to stimulate the judge from topics contained in the case that are calculated to produce emotions, though it will not be proper to develop these fully at the start, but only to give a slight preliminary impulsion to the judge, so that the remainder of our speech may find him already biassed
325 in our direction. LXXX. But the opening passage

narration of circumstances;

ita sit principium consequenti orationi ut non tamquam citharoedi prooemium affictum aliquid sed cohaerens cum omni corpore membrum esse videatur. Nam non nulli, cum illud meditati ediderunt, sic ad reliqua transeunt ut audientiam fieri sibi non velle videantur. Atque eiusmodi illa prolusio debet esse, non ut Samnitium, qui vibrant hastas ante pugnam quibus in pugnando nihil utuntur, sed ut ipsis sententiis quibus proluserint vel pugnare possint.

326 Narrare vero rem quod breviter iubent, si brevitas appellanda est cum verbum nullum redundat, brevis est L. Crassi oratio; sin tum est brevitas cum tantum verborum est quantum necesse est, aliquando id opus est, sed saepe obest vel maxime in narrando, non solum quod obscuritatem affert sed etiam quod eam virtutem quae narrationis est maxima, ut iucunda et ad persuadendum accommodata sit, tollit. Videant illa

nam is postquam excessit ex ephebis . . .

327 quam longa est narratio! Mores adolescentis ipsius et servilis percontatio, mors Chrysidis, vultus et forma et lamentatio sororis, reliqua pervarie iucundeque narrantur. Quodsi hanc brevitatem quaesisset:

[a] Terence, *Andria* 51.

should be so closely connected with the speech that follows as to appear to be not an appendage, like the prelude to a piece of music, but an integral part of the whole structure. For some musicians play their prelude after due practice, but pass on to the remainder of the work in such a manner as to seem not really to want to be listened to. Also the preliminary passage must not be like the skirmishing of Samnite gladiators, who before a fight brandish their spears which they are not going to make any use of in the actual encounter, but must be of such a character as to enable the combatants to employ in the real encounter the very ideas which they have made play with in the introduction.

326 "As for their rule that the narration of the case must be brief, if the term brevity may be used to denote the absence of a single word that is superfluous, Lucius Crassus's style has brevity; but if brevity means employing only the absolutely essential minimum of words, this is required occasionally, but often it is actually very detrimental in stating the facts of the case, not only because it causes obscurity but also because it does away with a quality that is the greatest merit in narrative, that of entertaining and convincing. Let people consider the passage beginning

For ever since the day he came of age . . .[a]

327 what a long story it is! The young man's own character, the slave's inquiry, the death of Chrysis, her sister's face and figure and her mourning, and all the rest of it—all agreeably narrated in every variety of style! Whereas if he had really sought for brevity in this style:

Effertur, imus, ad sepulcrum venimus,
In ignem imposita est,

fere[1] decem versiculis totum conficere potuisset; quamquam hoc ipsum 'effertur, imus' concisum est ita ut non brevitati servitum sit sed magis venustati.
328 Quodsi nihil fuisset nisi 'in ignem imposita est,' tamen res tota cognosci facile potuisset; sed et festivitatem habet narratio distincta personis et interpuncta sermonibus, et est et probabilius quod gestum esse dicas cum quemadmodum actum sit exponas, et multo apertius ad intellegendum est si constituitur aliquando ac non ista brevitate percur-
329 ritur. Apertam enim narrationem tam esse oportet quam cetera, sed hoc magis in hac elaborandum est, quod et difficilius est non esse obscurum in re narranda quam aut in principio aut in argumentando aut in perorando, et maiore etiam periculo haec pars orationis obscura est quam ceterae, vel quia, si quo alio in loco est dictum quid obscurius, tantum id perit quod ita dictum est, narratio obscura totam occaecat orationem, vel quod alia possis, semel si obscurius dixeris, dicere alio loco planius, narrationis unus est in causa locus. Erit autem perspicua narratio si verbis usitatis, si ordine temporum ser-
330 vato, si non interrupte narrabitur. LXXXI. Sed quando utendum sit aut non sit narratione, id est

[1] fere *om. codd. opt.*

[a] Terence, *Andria* 117.

The funeral—we start, we reach the tomb,
The corpse is placed upon the pyre—[a]

he could have completed the whole affair in a matter of ten verses! although the actual phrase 'The funeral—we start,' though very concise, nevertheless achieves not brevity but rather grace of style.
328 Supposing it had merely run 'She was placed on the pyre,' the whole of the facts could have been easily understood nevertheless; but the narrative gains liveliness when it brings in several characters and is broken up with speeches, and also one's statement of what took place is both more convincing when one explains how it was done and much clearer to understand if occasionally a halt is called and the story
329 does not run right on with that curt brevity. The narrative ought to be as clear as all the other parts of the speech, but more pains must be taken to achieve clarity in this part because in narrating the facts of the case it is more difficult to avoid obscurity than in either the introduction or the proof or the peroration, and also obscurity is even more dangerous in this part of a speech than in the others, either because an obscure expression in any other place only causes the point obscurely expressed to be lost, but obscurity in the narrative blacks out the entire speech, or else because, whereas with other points if you have expressed them rather obscurely at one time you can express them more clearly in another place, there is only one place in a case for the narration. But clearness in the narration will be attained if it employs ordinary language, and if it keeps to the chronological order of events and is not broken by digres-
330 sions. LXXXI. But when to use and when not to use narrative is a matter for consideration: narra-

consilii; neque enim si nota res est nec dubium quid gestum sit narrare oportet nec si adversarius narravit, nisi si refellemus; ac si quando erit narrandum, nec illa quae suspicionem et crimen efficient contraque nos erunt acriter persequemur et quicquid potuerit detrahemus, ne illud quod Crassus, si quando fiat, perfidia, non stultitia fieri putat, ut causae noceamus accidat. Nam ad summam totius causae pertinet, caute an contra demonstrata res sit, quod omnis orationis reliquae fons est narratio.

331 Sequitur ut causa ponatur, in quo videndum est quid in controversiam veniat; tum suggerenda sunt firmamenta causae coniuncte et infirmandis contrariis et tuis confirmandis. Namque una in causis ratio quaedam est eius orationis quae ad probandam argumentationem valet, ea autem et confirmationem et reprehensionem quaerit; sed quia neque reprehendi quae contra dicuntur possunt nisi tua confirmes, neque haec confirmari nisi illa reprehendas, idcirco haec et natura et utilitate et tractatione con-
332 iuncta sunt. Omnia autem concludenda sunt plerumque vel[1] rebus augendis vel inflammando iudice vel mitigando; omniaque cum superioribus orationis

[1] vel *add. Reid.*

tive should not be employed if the facts are known and there is no doubt what occurred, nor yet if they have been narrated by our opponent, unless we are going to refute his account of them; and on occasions when narrative is necessary we shall not lay very great stress on points that will cause suspicion and occasion accusation, and will tell against us, and we shall minimize anything that might have had this effect, for fear lest it may result in our injuring our own case—a thing which if it ever does occur is in Crassus's opinion invariably due to treachery and not to folly. For it touches the main issue of the whole suit whether the case has been set out with circumspection or the opposite, because the narrative is the fountain head from which the whole remainder of the speech flows.

Rules for statement and proof of case and conclusion.

331 "Next comes the statement of the case, a section in which the precise point at issue must be envisaged; and then the case must be supported by proofs, which is effected by conjointly demolishing your opponent's arguments and establishing your own. For in cases at law the pleading that serves to prove the line adopted may be said to have only a single principle, though it aims at both proof and refutation; but inasmuch as it is neither possible to refute statements made against you unless you prove your own, nor to prove your own statements without refuting your opponent's, it follows that these proceedings are connected together not only by nature but also in respect of their value for your case and the method
332 of handling them. But all these arguments must as a rule be rounded off either by enlarging on your points or by arousing the feelings of the judge or calming them down; and all of them both in the

locis tum maxime extremo ad mentes iudicum quam maxime permovendas et ad utilitatem nostram vocandas conferenda sunt.

333 Neque sane iam causa videtur esse cur secernamus ea praecepta quae de suasionibus tradenda sunt aut laudationibus, sunt enim pleraque communia; sed tamen suadere aliquid aut dissuadere gravissimae mihi personae videtur esse, nam et sapientis est consilium explicare suum de maximis rebus et honesti et diserti, ut mente providere, auctoritate probare, oratione persuadere possis. LXXXII. Atque haec in senatu minore apparatu agenda sunt; sapiens enim est consilium multisque aliis dicendi relinquendus locus, vitanda etiam ingeni ostenta-
334 tionis suspicio: contio capit omnem vim orationis et gravitatem, varietatemque desiderat. Ergo in suadendo nihil est optabilius quam dignitas; nam qui utilitatem petit, non quid maxime velit suasor sed quid interdum magis sequatur videt. Nemo est enim, praesertim in tam clara civitate, quin putet expetendam maxime dignitatem, sed vincit utilitas plerumque cum subest ille timor ea neglecta ne
335 dignitatem quidem posse retineri. Controversia autem est inter hominum sententias aut in illo, utrum sit utilius, aut etiam cum id convenit certatur

earlier parts of the speech and most of all at the end must be directed towards influencing the minds of the judges as much as possible and attracting them in the direction of our advantage.

333 "Again, there seems to be no reason why we should keep separate the rules that are to be imparted on the subject of advisory speeches or of panegyrics, as they are for the most part common to both; but nevertheless to give advice for or against a course of action does seem to me to be a task for a person of the greatest weight of character, for to expound one's advice on matters of high importance calls for both wisdom and ability and eloquence, to enable one to make an intelligent forecast, give an authoritative proof and employ persuasive eloquence. LXXXII. And these ends can be achieved with less apparatus in the Senate, as that is a wise deliberative body, and one should leave room for many others to speak, beside avoiding any suspicion of a display of talent,
334 whereas a public meeting permits of the full employment of powerful and weighty oratory, and requires variety. Consequently in an advisory speech nothing is more desirable than dignity; for a man who demands mere expediency does not see his adviser's main purpose but only his more immediate aim for the time being. For there is nobody, especially in a famous state like ours, who does not think that moral worth is the highest object of ambition, but for the most part expediency wins the day when there is a covert fear lest if expediency be neglected worth
335 will also have to be abandoned. But differences of opinion arise either on the question which of two alternatives is more expedient, or even supposing there is agreement about this, it is disputed whether

Advisory speeches on public affairs:

utrum honestati potius an utilitati consulendum sit; quae quia pugnare inter se saepe videntur, qui utilitatem defendet enumerabit commoda pacis, opum, potentiae, vectigalium, praesidi militum, ceterarum rerum quarum fructum utilitate metimur, itemque incommoda contrariorum: qui ad dignitatem impellet, maiorum exempla quae erant vel cum periculo gloriosa colliget, posteritatis immortalem memoriam augebit, utilitatem ex laude nasci defendet
336 semperque eam cum dignitate esse coniunctam. Sed quid fieri possit aut non possit quidque etiam sit necesse aut non sit in utraque re maxime est quaerendum; inciditur enim omnis iam deliberatio si intellegitur non posse fieri aut si necessitas affertur, et qui id docuit non videntibus aliis, is plurimum
337 vidit. Ad consilium autem de republica dandum caput est nosse rempublicam, ad dicendum vero probabiliter nosse mores civitatis, qui quia crebro mutantur, genus quoque orationis est saepe mutandum; et quamquam una fere vis est eloquentiae, tamen quia summa dignitas est populi, gravissima causa rei publicae, maximi motus multitudinis, genus quoque dicendi grandius quoddam et illustrius esse adhibendum videtur; maximaque pars orationis admovenda est ad animorum motus non numquam aut

[a] Aristotle, *Rhet.* I. iv. 2.

the chief consideration should be integrity or expediency; and as these two considerations often seem to conflict, the champion of expediency will reel off a list of the advantages of peace and wealth and power and revenue and military strength and all the other things whose value we measure by expediency, and also the disadvantages of their opposites, whereas one who urges us on the path of moral worth will collect examples of our ancestors' achievements that were glorious even though involving danger, and will magnify the value of an undying memory with posterity and maintain that glory engenders advantage
336 and moral worth is invariably linked with it. But in both departments it is of the greatest importance to inquire what is possible and what is impossible of achievement, and also what is inevitable or the reverse; for all debate is at once cut short by the realization that a thing is impossible or if it is proved to be inevitable, and the philosopher[a] who taught this truth, which others did not discern, showed the
337 greatest insight. But the chief essential for giving counsel on affairs of state is a knowledge of the constitution of the state, whereas the thing that is essential for persuasive speaking is a knowledge of the national character; and as this frequently alters, it is often necessary also to alter the style of speaking employed; and although the fundamental nature of eloquence practically does not vary, nevertheless in view of the exalted dignity of the nation, the supreme importance of politics, and the violent passions of the crowd, it would seem that an oratorical style of more than average grandeur and brilliance is required; and the greatest part of a speech must occasionally be directed to arousing the emotions of the

cohortatione aut commemoratione aliqua aut in spem
aut in metum aut ad cupiditatem aut ad gloriam
concitandos, saepe etiam a temeritate, iracundia, spe,
iniuria, invidia, crudelitate revocandos. LXXXIII.
338 Fit autem ut, quia maxima quasi oratoris scaena
videatur contionis esse, natura ipsa ad ornatius
dicendi genus excitemur; habet enim multitudo
vim quandam talem ut, quemadmodum tibicen sine
tibiis canere, sic orator sine multitudine audiente
339 eloquens esse non possit. Et cum sint populares
multi variique lapsus, vitanda est acclamatio adversa
populi, quae aut orationis peccato aliquo excitatur si
aspere, si arroganter, si turpiter, si sordide, si quo
animi vitio dictum esse aliquid videtur, aut hominum
offensione vel invidia, quae aut iusta est aut ex
criminatione atque fama, aut res si displicet, aut si
est in aliquo motu suae cupiditatis aut metus mul-
titudo. His quattuor causis totidem medicinae op-
ponuntur: tum obiurgatio, si est auctoritas; tum
admonitio, quasi lenior obiurgatio; tum promissio si
audierint probaturos; tum deprecatio, quod est
340 infirmum sed nonnunquam utile. Nullo autem loco
plus facetiae prosunt et celeritas et breve aliquod
dictum nec sine dignitate et cum lepore; nihil
enim tam facile quam multitudo a tristitia et saepe
ab acerbitate commode et breviter et acute et hilare
dicto deducitur.

audience, by means of exhortation or of some form of
reminder, to either hope or fear or desire or ambition,
and often also to calling them back from rashness,
anger or hope and from injustice, envy or cruelty.
338 LXXXIII. But as the orator's chief stage seems
to be the platform at a public meeting, it naturally
results that we are stimulated to employ the more
ornate kind of oratory; for the effect produced by
numbers is of such a kind that a speaker can no
more be eloquent without a large audience than a
339 flute-player can perform without a flute. And as
there are a number of different ways of falling foul
of the public, one must be careful not to arouse the
disapproving outcries of the people, who are aroused
either by some error in the speech, if a remark is
thought to be harsh or arrogant or base or mean or
to show some fault of character, or by personal
annoyance or dislike that is either deserved or arises
from slander and rumour, or if the subject is un-
popular, or if the public is in a state of excitement
arising out of some desire or alarm that it feels.
These four causes of unpopularity can be met by
as many remedies: sometimes by reproof, if one
possesses authority, sometimes by admonition, which
may be called a gentle form of reproof, sometimes
by promising that if they will hear us out they will
agree with us, and sometime, by apology, which is
not a strong line to take, but is sometimes useful.
340 And in no other place is there more to be gained by
using facetious turns and a rapid style and epigram-
matic remarks expressed in a dignified and attractive
way; for nothing is so easy as to divert a crowd from
gloominess and often from bitter feeling by means of
a neat and terse and pointed and amusing phrase.

the style appropriate for public speaking.

LXXXIV. Exposui fere ut potui vobis in utroque genere causarum quae sequi solerem, quae fugere, quae spectare quaque omnino in causis ratione ver-
341 sari. Nec illud tertium laudationum genus est difficile quod ego initio quasi a praeceptis nostris secreveram; sed et quia multa sunt orationum genera et graviora et maioris copiae de quibus nemo fere praeciperet, et quod nos laudationibus non ita multum uti soleremus, totum hunc segregabam locum. Ipsi enim Graeci magis legendi et delectationis aut hominis alicuius ornandi quam utilitatis huius forensis causa laudationes scriptitaverunt; quorum sunt libri quibus Themistocles, Aristides, Agesilaus, Epaminondas, Philippus, Alexander aliique laudantur; nostrae laudationes quibus in foro utimur aut testimonii brevitatem habent nudam atque inornatam aut scribuntur ad funebrem contionem, quae ad orationis laudem minime accommodata est. Sed tamen, quoniam est utendum aliquando, nonnunquam etiam scribendum, velut Q. Tuberoni Africanum avunculum laudanti scripsit C. Laelius vel ut nosmet ipsi ornandi causa Graecorum more si quos velimus laudare possimus, sit a
342 nobis quoque tractatus hic locus. Perspicuum est

LXXXIV. "I have practically completed giving you an account, to the best of my ability, of the rules that I am accustomed to follow, and the faults which I try to avoid and the objects which I have in view in both kinds of cases, and generally of the method that
341 I adopt in law-suits. Nor is there any difficulty about Panegyrics.
the third class, consisting of panegyrics, which I had excluded from our set of instructions at the outset. But there are a great many kinds of oratory that are both more dignified and wider in scope, which virtually nobody lays down rules about, and also we Romans do not much practise the custom of panegyrics, so consequently I put this department entirely on one side. For the Greeks themselves have constantly thrown off masses of panegyrics, designed more for reading and for entertainment, or for giving a laudatory account of some person, than for the practical purposes of public life with which we are now concerned: there are Greek books containing panegyrics of Themistocles, Aristides, Agesilaus, Epaminondas, Philip, Alexander and others; whereas our Roman commendatory speeches that we make in the forum have either the bare and unadorned brevity of evidence to a person's character or are written to be delivered as a funeral speech, which is by no means a suitable occasion for parading one's distinction in rhetoric. But nevertheless, as laudatory speeches must be delivered occasionally and sometimes even written out, either as Gaius Laelius wrote a panegyric for Quintus Tubero to deliver on his uncle Africanus, or in order that we ourselves may be able if we wish to praise certain persons in an honorific speech in the Greek manner,
342 let us also treat of this topic. Well then, it is clear

igitur alia esse in homine optanda, alia laudanda; genus, forma, vires, opes, divitiae, cetera quae fortuna[1] dat aut extrinsecus aut corpori, non habent in se veram laudem, quae deberi virtuti uni putatur; sed tamen quod ipsa virtus in earum rerum usu ac moderatione maxime cernitur, tractanda in laudationibus etiam haec sunt naturae et fortunae bona, in quibus est summa laus non extulisse se in potestate, non fuisse insolentem in pecunia, non se praetulisse aliis propter abundantiam fortunae, ut opes et copiae non superbiae videantur ac libidini sed bonitati ac moderationi facultatem et materiam
343 dedisse. Virtus autem, quae est per se ipsa laudabilis et sine qua nihil laudari potest, tamen habet plures partes, quarum alia est alia ad laudationem aptior. Sunt enim aliae virtutes quae videntur in moribus hominum et quadam comitate ac beneficentia positae, aliae quae in ingeni aliqua facultate aut animi magnitudine ac robore; nam clementia, iustitia, benignitas, fides, fortitudo in periculis com-
344 munibus iucunda est auditu in laudationibus, omnes enim hae virtutes non tam ipsis qui eas habent quam generi hominum fructuosae putantur: sapientia et magnitudo animi qua omnes res humanae tenues ac pro nihilo putantur et in excogitando vis quaedam ingeni et ipsa eloquentia admirationis habent non minus, iucunditatis minus; ipsos enim magis videntur quos laudamus quam illos apud quos laudamus

[1] *Wilkins:* ceteraque quae *aut* cetera quaeque.

that the qualities that are desirable in a person are not the same as those that are praiseworthy: family, good looks, bodily strength, resources, riches and the rest of the external or personal gifts of fortune do not in themselves contain any true ground for praise, which is held to be due to virtue alone; but nevertheless, as it is in the employment and wise management of these that virtue itself is very largely discerned, a panegyric must also treat of these goods of nature and of fortune in which the highest praise is not to have been puffed up in office or insolent in wealth, or to have put oneself in front of others because of fortune's bounty—so that wealth and riches may seem to have provided opportunity and occasion not for pride and licence but for beneficence
343 and temperance. But virtue, which is praiseworthy in itself and is a necessary element in anything that can be praised, nevertheless contains several divisions, one of which is more fit to be praised than another. For there are some virtues that are manifested as qualities of people's behaviour and by a sort of kindness and beneficence, while others consist in intellectual ability or in highmindedness and strength of character; inasmuch as mercy, justice, kindness, fidelity, courage in common dangers are acceptable
344 topics in a panegyric, since all these virtues are thought to be beneficial not so much to their possessors as to the human race in general, whereas wisdom, and magnanimity that counts all human fortunes slight and worthless, and strength and originality of intellect, and eloquence itself are not less admired it is true but give less pleasure, because they seem to grace and to safeguard the subjects of our panegyrics themselves rather than the persons

ornare ac tueri. Sed tamen in laudando iungenda
sunt etiam haec genera virtutum, ferunt enim aures
hominum cum illa quae iucunda et grata, tum
etiam illa quae mirabilia sunt in virtute laudari.
345 LXXXV. Et quoniam singularum virtutum sunt
certa quaedam officia ac munera et sua cuique virtuti
laus propria debetur, erit explicandum in laude iusti-
tiae quid cum fide, quid cum aequabilitate, quid
cum eiusmodi aliquo officio is qui laudabitur fecerit,
itemque in ceteris res gestae ad cuiusque virtutis
346 genus et vim et nomen accommodabuntur. Gratis-
sima autem laus eorum factorum habetur quae sus-
cepta videntur a viris fortibus sine emolumento ac
praemio; quae vero etiam cum labore ac periculo
ipsorum, haec habent uberrimam copiam ad laudan-
dum, quod et dici ornatissime possunt et audiri
facillime; ea enim denique virtus esse videtur
praestantis viri quae est fructuosa aliis, ipsi aut
laboriosa aut periculosa aut certe gratuita. Magna
etiam illa laus et admirabilis videri solet tulisse casus
sapienter adversos, non fractum esse fortuna, re-
347 tinuisse in rebus asperis dignitatem; neque tamen
illa non ornant, habiti honores, decreta virtutis
praemia, res gestae iudiciis hominum comprobatae;
in quibus etiam felicitatem ipsam deorum immor-

before whom they are delivered. But nevertheless
virtues of these kinds also should be introduced in
a panegyric, since an audience will accept the be-
stowal of praise on the aspects of virtue that call for
admiration as well as on those that give pleasure
and gratification.
345 LXXXV. "And since particular virtues have their
own definite duties and functions and each virtue has
an appropriate form of commendation that is due to
it, in giving praise for justice it will be necessary to
recite actions of the subject of our panegyric that
exhibited fidelity and fairness, and any right con-
duct of that nature; and similarly under the other
heads our account of his actions will be fitted in to
each successive class and meaning and designation of
346 virtue. But the most welcome praise is that be-
stowed on deeds that appear to have been performed
by brave men without profit or reward; while those
that also involve toil and personal danger supply
very fertile topics for panegyric, because they admit
of being narrated in a most eloquent style and of
obtaining the readiest reception from the audience;
for it is virtue that is profitable to others, and either
toilsome or dangerous or at all events not profitable
to its possessor, that is deemed to mark a man of
outstanding merit. Also it is customarily recognized
as a great and admirable distinction to have borne
adversity wisely, not to have been crushed by mis-
fortune, and not to have lost dignity in a difficult
347 situation; and distinction is also conferred by offices
filled, rewards of merit bestowed, and achievements
honoured by the judgement of mankind; in these
matters moreover it is proper to a panegyric to
attribute what is merely good fortune to the verdict

talium iudicio tribui laudationis est. Sumendae autem res erunt aut magnitudine praestabiles aut novitate primae aut genere ipso singulares ; neque enim parvae neque usitatae neque vulgares admira-
348 tione aut omnino laude dignae videri solent. Est etiam cum ceteris praestantibus viris comparatio in laudatione praeclara. De quo genere libitum est mihi paulo plura quam ostenderam dicere, non tam propter usum forensem, qui est a me omni hoc sermone tractatus, quam ut hoc videretis, si laudationes essent in oratoris officio, quod nemo negat, oratori virtutum omnium cognitionem sine qua laudatio
349 effici non possit esse necessariam. Iam vituperandi praecepta contrariis ex vitiis sumenda esse perspicuum est ; simul est illud ante oculos, nec bonum virum proprie et copiose laudari sine virtutum nec improbum notari ac vituperari sine vitiorum cognitione satis insignite atque aspere posse. Atque his locis et laudandi et vituperandi saepe nobis est utendum in omni genere causarum.

350 Habetis, de inveniendis rebus disponendisque quid sentiam ; adiungam etiam de memoria, ut labore Crassum levem neque ei quidquam aliud de quo disserat relinquam nisi ea quibus haec exornentur.

LXXXVI. Perge vero, inquit Crassus, libenter

of divine wisdom. And one must select achievements that are of outstanding importance or unprecedented or unparalleled in their actual character ; for small achievements or those that are not unusual or out of the ordinary are not as a rule felt to be speci-
348 ally admirable or to deserve praise at all. Moreover a splendid line to take in a paneygric is to compare the subject with all other men of high distinction. And the spirit has moved me to enlarge rather more fully on this class of topic than I had promised to do, not so much for the purpose of its employment in the courts, which has been my subject in the whole of this discourse, as to bring home to you the fact that if the functions of a speaker include the delivery of panegyrics, which nobody denies, a speaker is bound to possess, as an indispensable means for the construction of a panegyric, a knowledge of all the virtues.
349 Then, it is clear that the rules for assigning blame have to be developed out of the vices that are the opposites of these virtues ; at the same time it is obvious that it is impossible either to praise a good man appropriately and fully without a knowledge of the virtues or to brand and blame a wicked man in a sufficiently impressive and crushing manner without a knowledge of the vices. And these topics of praise and blame we shall frequently have occasion to employ in every class of law-suit.

350 "I have given you my view in regard to the discovery and the arrangement of topics ; I will also add something on the subject of memory, in order to lighten the task of Crassus and to leave him nothing else to discuss except the method of elaborating these subjects."

LXXXVI. "Oh, pray continue," said Crassus, "I

enim te cognitum iam artificem aliquandoque evolutum illis integumentis dissimulationis tuae nudatumque perspicio; et quod mihi nihil aut quod non multum relinquis, percommode facis, estque mihi gratum.

351 Iam istuc quantum tibi ego reliquerim, inquit Antonius, erit in tua potestate: si enim vere me[1] agere volueris, omnia tibi relinquo; sin dissimulare, tu quemadmodum his satisfacias videris. Sed, ut ad rem redeam, non sum tanto ego, inquit, ingenio quanto Themistocles fuit, ut oblivionis artem quam memoriae malim; gratiamque habeo Simonidi illi Cio quem primum ferunt artem memoriae protulisse.

352 Dicunt enim cum cenaret Crannone in Thessalia Simonides apud Scopam fortunatum hominem et nobilem cecinissetque id carmen quod in eum scripsisset, in quo multa ornandi causa poetarum more in Castorem scripta et Pollucem fuissent, nimis illum sordide Simonidi dixisse se dimidium eius ei quod pactus esset pro illo carmine daturum: reliquum a suis Tyndaridis quos aeque laudasset peteret si ei

353 videretur. Paulo post esse ferunt nuntiatum Simonidi ut prodiret: iuvenes stare ad ianuam duos quosdam qui eum magnopere evocarent; surrexisse illum, prodisse, vidisse neminem; hoc interim spatio conclave illud ubi epularetur Scopas concidisse; ea ruina ipsum cum cognatis oppressum suis interiisse;

[1] me *add. Rackham.*

[a] See § 299.

am delighted to see you at last known as a master of the theory, finally unmasked and stripped of the veil of your pretended ignorance; and it is extremely obliging of you to leave little or nothing to me, and I am grateful for it."

Memory; *memoria technica*: the pigeon-hole method.

351 "Oh, as for that," said Antony, "the amount I shall have left to you will be for you to decide; if you want complete candour, what I leave to you is the whole subject, but if you want me to keep up the pretence, it is for you to consider how you may satisfy our friends here. But to return to the subject," he continued, "I am not myself as clever as Themistocles[a] was, so as to prefer the science of forgetting to that of remembering; and I am grateful to the famous Simonides of Ceos, who is said to have first invented

352 the science of mnemonics. There is a story that Simonides was dining at the house of a wealthy nobleman named Scopas at Crannon in Thessaly, and chanted a lyric poem which he had composed in honour of his host, in which he followed the custom of the poets by including for decorative purposes a long passage referring to Castor and Pollux; whereupon Scopas with excessive meanness told him he would pay him half the fee agreed on for the poem, and if he liked he might apply for the balance to his sons of Tyndareus, as they had gone halves in the pane-

353 gyric. The story runs that a little later a message was brought to Simonides to go outside, as two young men were standing at the door who earnestly requested him to come out; so he rose from his seat and went out, and could not see anybody; but in the interval of his absence the roof of the hall where Scopas was giving the banquet fell in, crushing Scopas himself and his relations underneath the ruins and

quos cum humare vellent sui neque possent obtritos internoscere ullo modo, Simonides dicitur ex eo quod meminisset quo eorum loco quisque cubuisset demonstrator uniuscuiusque sepeliendi fuisse; hac tum re admonitus invenisse fertur ordinem esse maxime
354 qui memoriae lumen afferret. Itaque eis qui hanc partem ingeni exercerent locos esse capiendos et ea quae memoria tenere vellent effingenda animo atque in eis locis collocanda: sic fore ut ordinem rerum locorum ordo conservaret, res autem ipsas rerum effigies notaret, atque ut locis pro cera, simulacris pro
355 litteris uteremur. LXXXVII. Qui sit autem oratori memoriae fructus, quanta utilitas, quanta vis, quid me attinet dicere? tenere quae didiceris in accipienda causa, quae ipse cogitaris? omnes fixas esse in animo sententias? omnem descriptum verborum apparatum? ita audire vel eum unde discas vel eum cui respondendum sit ut illi non infundere in aures tuas orationem sed in animo videantur inscribere? Itaque soli qui memoria vigent sciunt quid et quatenus et quomodo dicturi sint, quid responderint, quid supersit: eidemque multa ex aliis causis aliquando a

killing them; and when their friends wanted to bury them but were altogether unable to know them apart as they had been completely crushed, the story goes that Simonides was enabled by his recollection of the place in which each of them had been reclining at table to identify them for separate interment; and that this circumstance suggested to him the discovery of the truth that the best aid to clearness of memory consists in orderly arrangement.
354 He inferred that persons desiring to train this faculty must select localities and form mental images of the facts they wish to remember and store those images in the localities, with the result that the arrangement of the localities will preserve the order of the facts, and the images of the facts will designate the facts themselves, and we shall employ the localities and images respectively as a wax writing tablet and the
355 letters written on it. LXXXVII. But what business is it of mine to specify the value to a speaker and the usefulness and effectiveness of memory? of retaining the information given you when you were briefed and the opinions you yourself have formed? of having all your ideas firmly planted in your mind and all your resources of vocabulary neatly arranged? of giving such close attention to the instructions of your client and to the speech of the opponent you have to answer that they may seem not just to pour what they say into your ears but to imprint it on your mind? Consequently only people with a powerful memory know what they are going to say and for how long they are going to speak and in what style, what points they have already answered and what still remains; and they also can remember from other cases many arguments which they have

356 se acta, multa ab aliis audita meminerunt. Quare confiteor equidem huius boni naturam esse principem, sicut earum rerum de quibus ante locutus sum omnium : sed haec ars tota dicendi, sive artis imago quaedam et similitudo est, habet hanc vim, non ut totum aliquid cuius in ingeniis nostris pars nulla sit pariat et procreet, verum ut ea quae sunt orta iam in
357 nobis et procreata educet atque confirmet ; verumtamen neque tam acri memoria fere quisquam est ut non dispositis notatisque rebus ordinem verborum omnium aut sententiarum complectatur neque vero tam hebeti ut nihil hac consuetudine et exercitatione adiuvetur. Vidit enim hoc prudenter sive Simonides sive alius quis invenit, ea maxime animis effingi nostris quae essent a sensu tradita atque impressa ; acerrimum autem ex omnibus nostris sensibus esse sensum videndi ; quare facillime animo teneri posse ea quae perciperentur auribus aut cogitatione si etiam commendatione oculorum animis traderentur ; ut res caecas et ab aspectus iudicio remotas conformatio quaedam et imago et figura ita notaret ut ea quae cogitando complecti vix possemus intuendo
358 quasi teneremus. His autem formis atque corporibus, sicut omnibus quae sub aspectum veniunt sede[1] opus est, etenim corpus intellegi sine loco non potest. Quare (ne in re nota et pervulgata multus et insolens

[1] *v.l.* veniunt admonetur memoria nostra atque exercitatur sede.

[a] After ' view ' some inferior MSS. insert ' serve to prompt and stimulate our memory.'

previously advanced and many which they have
356 heard from other people. And consequently for my own part I confess that the chief source of this endowment, as of all the things I have spoken of before, is nature ; but the efficacy of the whole of this science, or perhaps I should say pseudo-science, of rhetoric, is not that it wholly originates and engenders something no part of which is already present in our minds, but that it fosters and strengthens things that have already sprung to birth
357 within us ; though nevertheless hardly anybody exists who has so keen a memory that he can retain the order of all the words or sentences without having arranged and noted his facts, nor yet is anybody so dull-witted that habitual practice in this will not give him some assistance. It has been sagaciously discerned by Simonides or else discovered by some other person, that the most complete pictures are formed in our minds of the things that have been conveyed to them and imprinted on them by the senses, but that the keenest of all our senses is the sense of sight, and that consequently perceptions received by the ears or by reflexion can be most easily retained in the mind if they are also conveyed to our minds by the mediation of the eyes, with the result that things not seen and not lying in the field of visual discernment are earmarked by a sort of outline and image and shape so that we keep hold of as it were by an act of sight things that we can scarcely
358 embrace by an act of thought. But these forms and bodies, like all the things that come under our view [a] require an abode, inasmuch as a material object without a locality is inconceivable. Consequently (in order that I may not be prolix and tedious on a sub-

sim) locis est utendum multis, illustribus, explicatis, modicis intervallis; imaginibus autem agentibus, acribus, insignitis, quae occurrere celeriterque percutere animum possint; quam facultatem et exercitatio dabit, ex qua consuetudo gignitur, et similium verborum conversa et immutata casibus aut traducta ex parte ad genus notatio et unius verbi imagine totius sententiae informatio pictoris cuiusdam summi ratione et modo formarum varietate locos distin-
359 guentis. LXXXVIII. Sed verborum memoria, quae minus est nobis necessaria, maiore imaginum varietate distinguitur; multa enim sunt verba quae quasi articuli connectunt membra orationis quae formari similitudine nulla possunt; eorum fingendae nobis sunt imagines quibus semper utamur; rerum memoria propria est oratoris; eam singulis personis bene positis notare possumus ut sententias imaginibus,
360 ordinem locis comprehendamus. Neque verum est quod ab inertibus dicitur, opprimi memoriam imaginum pondere et obscurari etiam id quod per se natura tenere potuisset; vidi enim ego summos homines et divina prope memoria, Athenis Charmadam, in Asia, quem vivere hodie aiunt, Scepsium Metrodorum, quorum uterque tanquam litteris in cera sic se aiebat imaginibus in eis locis quos haberet quae meminisse vellet perscribere. Quare hac

[a] The phrase denotes what we call 'perspective.'

[b] Cato's rule was *Rem tene, verba sequentur.*

[c] Prepositions and conjunctions are specially meant.

ject that is well known and familiar) one must employ a large number of localities which must be clear and defined and at moderate intervals apart, and images that are effective and sharply outlined and distinctive, with the capacity of encountering and speedily penetrating the mind; the ability to use these will be supplied by practice, which engenders habit, and by marking off similar words with an inversion and alteration of their cases or a transference from species to genus, and by representing a whole concept by the image of a single word, on the system and method of a consummate painter distinguishing the positions of objects by modifying their shapes.[a] LXXXVIII.
359 But a memory for words, which for us is less essential,[b] is given distinctness by a greater variety of images; for there are many words[c] which serve as joints connecting the limbs of the sentence, and these cannot be formed by any use of simile—of these we have to model images for constant employment; but a memory for things is the special property of the orator—this we can imprint on our minds by a skilful arrangement of the several masks that represent them, so that we may grasp ideas by means of images
360 and their order by means of localities. Nor is it true, as unscientific people assert, that memory is crushed beneath a weight of images and even what might have been retained by nature unassisted is obscured; for I have myself met eminent people with almost superhuman powers of memory, Charmadas at Athens and Metrodorus of Scepsis in Asia, who is said to be still living, each of whom used to say that he wrote down things he wanted to remember in certain 'localities' in his possession by means of images, just as if he were inscribing letters on wax. It follows that

exercitatione non eruenda memoria est si est nulla naturalis, sed certe si latet evocanda est.

361 Habetis sermonem bene longum hominis utinam non impudentis! Illud quidem certe, non nimis verecundi, qui quidem cum te, Catule, tum etiam L. Crasso audiente de dicendi ratione tam multa dixerim; nam istorum aetas minus me fortasse movere debuit. Sed mihi ignoscetis profecto, si modo quae causa me ad hanc insolitam mihi loquacitatem impulerit acceperitis.

362 LXXXIX. Nos vero, inquit Catulus, etenim pro me hoc et pro meo fratre respondeo, non modo tibi ignoscimus sed te diligimus magnamque tibi habemus gratiam; et cum humanitatem et facilitatem agnoscimus tuam, tum admiramur istam scientiam et copiam. Equidem etiam hoc me assecutum puto, quod magno sum levatus errore et illa admiratione liberatus quod multis cum aliis semper admirari solebam unde esset illa tanta tua in causis divinitas; nec enim te ista attigisse arbitrabar quae diligentissime cognosse et undique collegisse usuque doctum partim correxisse video, partim comprobasse; neque
363 eo minus eloquentiam tuam et multo magis virtutem

[a] § 59

this practice cannot be used to draw out the memory if no memory has been given to us by nature, but it can undoubtedly summon it to come forth if it is in hiding.

Conclusion: Crassus complimented and requested to speak on ornaments of style. Debate adjourned to afternoon.

361 "There is a fairly long lecture for you from a person whom I hope you will not think conceited! Though not over-modest I am sure you must think me, for having discoursed at such length on the theory of rhetoric before an audience including not only you, Catulus, but also Lucius Crassus—for no doubt I was right in not troubling so much about hearers of the age of our friends here. But I am sure you will forgive me if only I explain to you the motive that has urged me on to a talkativeness for me unusual."

362 LXXXIX. "Oh, as for us," said Catulus, "inasmuch as I am making this answer for myself and for my brother, not only do we forgive you but we hold you in high esteem and are extremely grateful to you; and we recognize your courtesy and kindness, and also are filled with admiration for the knowledge and the fluency that you have displayed. For my own part I feel I have scored the further advantage that I have been cured of a great mistake and have been set free from the wonder that I spoke of,[a] as to a matter that has always been a constant puzzle to me and many others as well,—where you obtained the mastery, amounting to genius, which you display in law-suits; in fact I used to imagine that you had never embarked on the subjects that you have been dealing with, to which I now see that you have given the most diligent study, collecting them from all sources and employing the teaching of experience
363 partly to correct and partly to confirm them; nor do I feel less admiration for your eloquence, and much

et diligentiam admiror et simul gaudeo iudicium animi mei comprobari quod semper statui neminem sapientiae laudem et eloquentiae sine summo studio et labore et doctrina consequi posse. Sed tamen quidnam est quod dixisti fore ut tibi ignosceremus si cognossemus quae te causa in sermonem impulisset? Quae est enim alia causa nisi quod nobis et horum adolescentium studio, qui te attentissime audierunt, morem gerere voluisti?

364 Tum ille: Adimere, inquit, omnem recusationem Crasso volui quem ego paulo ante sentiebam[1] vel pudentius vel invitius, nolo enim dicere de tam suavi homine fastidiosius, ad hoc genus sermonis accedere. Quid enim poterit dicere? Consularem se esse hominem et censorium? Eadem nostra causa est. An aetatem afferet? Quadriennio minor est. An se haec nescire? Quae ego sero, quae cursim arripui, quae subsicivis operis, ut aiunt, iste a puero, summo studio, summis doctoribus. Nihil dicam de ingenio, cui par nemo fuit; etenim me dicentem qui audiret, nemo unquam tam sui despiciens fuit quin speraret aut melius aut eodem modo se posse dicere: Crasso dicente nemo tam arrogans, qui similiter se unquam dicturum esse confideret. Quam ob rem ne frustra hi tales viri venerint, te aliquando, Crasse, audiamus.

[1] *Kayser:* sciebam.

[a] Actually three, see p. xiii n. *a*; but 140 B.C. would be spoken of as the *fourth* year after 143.

more admiration for your energy and industry, and at the same time I rejoice in the confirmation of my own conviction, which I have always held, that no one can achieve high distinction for wisdom and eloquence without a very great amount of zeal and industry and study. But all the same, what exactly did you mean by saying that we should forgive you if we knew the motive that had led you to deliver a discourse? What other motive can it be except a desire to oblige us and to satisfy the interest of these young people, who have given you a most attentive hearing?"

364 "Oh," he replied, "I wanted to deprive Crassus of all excuse for crying off, having noticed a little earlier that he was too modest, or too reluctant—for in regard to such an agreeable person I will not say too fastidious—about entering on this kind of debate. For what will he be able to say? That he is a person who has held the offices of consul and of censor? We can make the same plea. Or will he adduce his age? He is four[a] years our junior. Or that he does not know these subjects? Why, I took them up late and casually and as an occupation for odd moments, as the phrase is, whereas our friend has studied them from boyhood with the greatest industry and under the best masters. I will say nothing about his ability, which nobody has ever rivalled: in fact whereas no one who has heard me speaking has ever held so low an opinion of himself as not to hope he was capable of speaking better, or at all events as well, when Crassus speaks nobody was ever so conceited as to believe that he would ever speak as well. Therefore, so that these distinguished gentlemen may not have come here to no purpose, let us at last, Crassus, hear you."

365 XC. Tum ille: Ut ita ista esse concedam, inquit, Antoni, quae sunt longe secus, quid mihi tandem hodie aut cuiquam homini quod dici possit reliquisti? Dicam enim vere, amicissimi homines, quod sentio: saepe ego doctos homines, quid dico saepe? immo nonnunquam, saepe enim qui potui, qui puer in forum venerim neque inde unquam diutius quam quaestor abfuerim? sed tamen audivi, ut heri dicebam, et Athenis cum essem doctissimos viros et in Asia istum ipsum Scepsium Metrodorum cum de his ipsis rebus disputaret; neque vero mihi quisquam copiosius unquam visus est neque subtilius in hoc genere dicendi quam iste hodie esse versatus: quod si esset aliter et aliquid intellegerem ab Antonio praetermissum, non essem tam inurbanus et paene inhumanus ut in eo gravarer quod vos cupere sentirem.

366 Tum Sulpicius: An ergo, inquit, oblitus es, Crasse, Antonium ita partitum esse tecum ut ipse instrumentum oratoris exponeret, tibi eius distinctionem atque ornatum relinqueret?

Hic ille: Primum quis Antonio permisit, inquit, ut et partes faceret et utram vellet prior ipse sumeret? Deinde, si ego recte intellexi cum valde libenter audirem, mihi coniuncte est visus de utraque re dicere.

Ille vero, inquit Cotta, ornamenta orationis non

365 XC. "Granted, Antonius," rejoined Crassus, "that I allow something to be the case which is in reality quite otherwise, what pray have you to-day left to me, or to anybody, that can possibly be said? For, my very good friends, I will give you my true opinion: I have heard learned persons often—why do I say 'often'? rather let me say 'occasionally,' for how could I possibly have heard them often, having gone to the bar as I did while a mere lad, and having never had a longer absence from it than my period of office as quaestor? but be that as it may, I have, as I was saying yesterday, heard very learned men, both when I was at Athens, and in Asia your Metrodorus of Scepsis himself, discussing these very subjects; but nevertheless I have never thought that anybody discoursed with greater fullness or with greater penetration in this class of debate than our friend here to-day; and even if this were not the case, and if I detected some point that Antonius had passed over, I should not be so uncivil and I may say so inhuman as to make a difficulty about what I feel to be your strong desire."

366 "Have you then forgotten, Crassus," rejoined Sulpicius, "the apportionment arranged with you by Antonius, for him to expound the speaker's stock-in-trade himself while he left its elaboration and embellishment to you?"

Hereupon, "In the first place," said Crassus, "who gave Antonius leave to divide the subject up into shares and himself to have the first choice? And next, if I understood him rightly, listening as I was with great pleasure, he seemed to me to be discussing both the two subjects conjointly."

"As a matter of fact," said Cotta, "he did not

attigit neque eam laudem ex qua eloquentia nomen suum invenit.

Verba igitur, inquit Crassus, mihi reliquit Antonius, rem ipse sumpsit.

367 Tum Caesar: Si quod difficilius est id tibi reliquit, est nobis, inquit, causa cur te audire cupiamus: sin quod facilius, tibi causa non est cur recuses.

Et Catulus: Quid quod dixisti, inquit, Crasse, si hodie apud te maneremus te morem nobis esse gesturum, nihilne ad fidem tuam putas pertinere?

Tum Cotta ridens: Possem tibi, inquit, Crasse, concedere; sed vide ne quid Catulus attulerit religionis: hoc opus censorium est, id autem committere vide[1] quam homini censorio conveniat.

Agite vero, inquit,[2] ut vultis. Sed nunc quidem, quoniam est id temporis, surgendum censeo et requiescendum: post meridiem, si ita vobis est commodum, loquemur aliquid, nisi forte in crastinum differre mavultis.

Omnes se vel statim vel si ipse post meridiem mallet, quam primum tamen audire velle dixerunt.

[1] *Reid:* vides. [2] *v.l.* ille inquit.

touch on the embellishment of oratory, nor the accomplishment from which eloquence has derived its name."

"If that is so," said Crassus, "Antony left the words to me and took the matter for himself."

367 "If he left you the harder part," interposed Caesar, "we have good reason for wanting to hear you, and if the part he left you is the easier one, you have no reason for refusing."

And Catulus said, "What about your promise, Crassus, that if we stayed on at your house to-day you would gratify our wish? Don't you think you are bound in honour to do so?"

"I might possibly give way to you, Crassus," rejoined Cotta with a smile, "but mind we don't have Catulus introducing a point of moral obligation; this is a job for a censor's attention, but mind how it can be proper for a former censor to commit it."

"Oh well," said Crassus, "do as you please. But now, seeing what the time is, I move that the house do adjourn for a rest; and if it is agreeable to you we will say something in the afternoon, unless perhaps you would prefer to postpone it till to-morrow."

They all said they wanted to hear him at once, or at all events, if he himself preferred the afternoon, as early as possible.

APPENDIX

Book I, § 41 (p. 30). *qui aut interdicto . . . temere irruisses.* In legal disputes as to possession the *interdictum* was a preliminary order of the praetor intended to secure for one of the litigants interim possession of the disputed property, so as to make him defendant in the subsequent real action and cast the burden of proof upon the other as plaintiff. *Consertio manus* was the stage in the real action at which the parties simulated the physical struggle of lawless times, by laying hands together upon the property and making claim and counterclaim to the ownership. In the case of land this formality took place out of court.

Book I, § 42 (pp. 30-32). *Agerent enim tecum lege . . . non liceret. Legis actiones*, of five types, were the remedies at the earliest stage of developed Roman legal procedure: they involved a rigid and elaborate ritual, in which the slightest slip was fatal to the blunderer's case. *Sacramentum* was one of these types, involving a pecuniary deposit by each litigant. The winner of the action recovered his *sacramentum*, while the loser's was forfeited to the State.

Book I, § 178 (p. 122). *defendebamus . . . praestare debere.* By this time Roman Law had apparently evolved the rule that a vendor of immovable property warrants the purchaser against all such material defects in his title as he does not disclose. The English rule is the same.

Book I, § 180 (p. 124). *antequam in suam tutelam venisset.* A boy emerged from guardianship at the age of fourteen. In this famous *causa Curiana* a testator had left his estate to his expected posthumous child, with a gift over to Curius in the event of such child dying under age. After all no child was born. Was the condition of death under age fulfilled by the default of birth? Crassus successfully maintained the affirmative, and Curius took under the will.

Printed in Great Britain by R. & R. Clark, Limited, *Edinburgh*

THE LOEB CLASSICAL LIBRARY

VOLUMES ALREADY PUBLISHED

LATIN AUTHORS

Ammianus Marcellinus. J. C. Rolfe. 3 Vols.
Apuleius: The Golden Ass (Metamorphoses). W. Adlington (1566). Revised by S. Gaselee.
St. Augustine: City of God. 7 Vols. Vol. I. G. E. McCracken. Vol. II. W. M. Green. Vol. III. D. Wiesen. Vol. IV. P. Levine. Vol. V. E. M. Sanford and W. M. Green. Vol. VI. W. C. Greene.
St. Augustine, Confessions of. W. Watts (1631). 2 Vols.
St. Augustine: Select Letters. J. H. Baxter.
Ausonius. H. G. Evelyn White. 2 Vols.
Bede. J. E. King. 2 Vols.
Boethius: Tracts and De Consolatione Philosophiae. Rev. H. F. Stewart and E. K. Rand.
Caesar: Alexandrian, African and Spanish Wars. A. G. Way.
Caesar: Civil Wars. A. G. Peskett.
Caesar: Gallic War. H. J. Edwards.
Cato and Varro: De Re Rustica. H. B. Ash and W. D. Hooper.
Catullus. F. W. Cornish: Tibullus. J. B. Postgate; and Pervigilium Veneris. J. W. Mackail.
Celsus: De Medicina. W. G. Spencer. 3 Vols.
Cicero: Brutus and Orator. G. L. Hendrickson and H. M. Hubbell.
Cicero: De Finibus. H. Rackham.
Cicero: De Inventione, etc. H. M. Hubbell.
Cicero: De Natura Deorum and Academica. H. Rackham.
Cicero: De Officiis. Walter Miller.
Cicero: De Oratore, etc. 2 Vols. Vol. I: De Oratore, Books I and II. E. W. Sutton and H. Rackham. Vol. II: De Oratore, Book III; De Fato; Paradoxa Stoicorum; De Partitione Oratoria. H. Rackham.
Cicero: De Republica, De Legibus, Somnium Scipionis. Clinton W. Keyes.

Cicero: De Senectute, De Amicitia, De Divinatione. W. A. Falconer.
Cicero: In Catilinam, Pro Murena, Pro Sulla, Pro Flacco. Louis E. Lord.
Cicero: Letters to Atticus. E. O. Winstedt. 3 Vols.
Cicero: Letters to his Friends. W. Glynn Williams. 3 Vols.
Cicero: Philippics. W. C. A. Ker.
Cicero: Pro Archia, Post Reditum, De Domo, De Haruspicum Responsis, Pro Plancio. N. H. Watts.
Cicero: Pro Caecina, Pro Lege Manilia, Pro Cluentio, Pro Rabirio. H. Grose Hodge.
Cicero: Pro Caelio, De Provinciis Consularibus, Pro Balbo. R. Gardner.
Cicero: Pro Milone, In Pisonem, Pro Scauro, Pro Fonteio, Pro Rabirio Postumo, Pro Marcello, Pro Ligario, Pro Rege Deiotaro. N. H. Watts.
Cicero: Pro Quinctio, Pro Roscio Amerino, Pro Roscio Comoedo, Contra Rullum. J. H. Freese.
Cicero: Pro Sestio, In Vatinium. R. Gardner.
[Cicero]: Rhetorica ad Herennium. H. Caplan.
Cicero: Tusculan Disputations. J. E. King.
Cicero: Verrine Orations. L. H. G. Greenwood. 2 Vols.
Claudian. M. Platnauer. 2 Vols.
Columella: De Re Rustica, De Arboribus. H. B. Ash, E. S. Forster, E. Heffner. 3 Vols.
Curtius, Q.: History of Alexander. J. C. Rolfe. 2 Vols.
Florus. E. S. Forster; and Cornelius Nepos. J. C. Rolfe.
Frontinus: Stratagems and Aqueducts. C. E. Bennett and M. B. McElwain.
Fronto: Correspondence. C. R. Haines. 2 Vols.
Gellius. J. C. Rolfe. 3 Vols.
Horace: Odes and Epodes. C. E. Bennett.
Horace: Satires, Epistles, Ars Poetica. H. R. Fairclough.
Jerome: Select Letters. F. A. Wright.
Juvenal and Persius. G. G. Ramsay.
Livy. B. O. Foster, F. G. Moore, Evan T. Sage, A. C. Schlesinger and R. M. Geer (General Index). 14 Vols.
Lucan. J. D. Duff.
Lucretius. W. H. D. Rouse.
Martial. W. C. A. Ker. 2 Vols.
Minor Latin Poets: from Publilius Syrus to Rutilius Namatianus, including Grattius, Calpurnius Siculus,

Nemesianus, Avianus, with "Aetna," "Phoenix" and other poems. J. Wight Duff and Arnold M. Duff.
Ovid: The Art of Love and other Poems. J. H. Mozley.
Ovid: Fasti. Sir James G. Frazer.
Ovid: Heroides and Amores. Grant Showerman.
Ovid: Metamorphoses. F. J. Miller. 2 Vols.
Ovid: Tristia and Ex Ponto. A. L. Wheeler.
Petronius. M. Heseltine: Seneca: Apocolocyntosis. W. H. D. Rouse.
Phaedrus and Babrius (Greek). B. E. Perry.
Plautus. Paul Nixon. 5 Vols.
Pliny: Letters. Melmoth's translation revised by W. M. L. Hutchinson. 2 Vols.
Pliny: Natural History. 10 Vols. Vols. I-V and IX. H. Rackham. Vols. VI-VIII. W. H. S. Jones. Vol. X. D. E. Eichholz.
Propertius. H. E. Butler.
Prudentius. H. J. Thomson. 2 Vols.
Quintilian. H. E. Butler. 4 Vols.
Remains of Old Latin. E. H. Warmington. 4 Vols. Vol. I (Ennius and Caecilius). Vol. II (Livius, Naevius, Pacuvius, Accius). Vol. III (Lucilius, Laws of the XII Tables). Vol. IV (Archaic Inscriptions).
Sallust. J. C. Rolfe.
Scriptores Historiae Augustae. D. Magie. 3 Vols.
Seneca: Apocolocyntosis. *Cf.* Petronius.
Seneca: Epistulae Morales. R. M. Gummere. 3 Vols.
Seneca: Moral Essays. J. W. Basore. 3 Vols.
Seneca: Tragedies. F. J. Miller. 2 Vols.
Sidonius: Poems and Letters. W. B. Anderson. 2 Vols.
Silius Italicus. J. D. Duff. 2 Vols.
Statius. J. H. Mozley. 2 Vols.
Suetonius. J. C. Rolfe. 2 Vols.
Tacitus: Dialogus. Sir Wm. Peterson; and Agricola and Germania. Maurice Hutton.
Tacitus: Histories and Annals. C. H. Moore and J. Jackson. 4 Vols.
Terence. John Sargeaunt. 2 Vols.
Tertullian: Apologia and De Spectaculis. T. R. Glover; Minucius Felix. G. H. Rendall.
Valerius Flaccus. J. H. Mozley.
Varro: De Lingua Latina. R. G. Kent. 2 Vols.
Velleius Paterculus and Res Gestae Divi Augusti. F. W. Shipley.

VIRGIL. H. R. Fairclough. 2 Vols.
VITRUVIUS: DE ARCHITECTURA. F. Granger. 2 Vols.

GREEK AUTHORS

ACHILLES TATIUS. S. Gaselee.
AELIAN: ON THE NATURE OF ANIMALS. A. F. Scholfield. 3 Vols.
AENEAS TACTICUS, ASCLEPIODOTUS AND ONASANDER. The Illinois Greek Club.
AESCHINES. C. D. Adams.
AESCHYLUS. H. Weir Smyth. 2 Vols.
ALCIPHRON, AELIAN AND PHILOSTRATUS: LETTERS. A. R. Benner and F. H. Fobes.
APOLLODORUS. Sir James G. Frazer. 2 Vols.
APOLLONIUS RHODIUS. R. C. Seaton.
THE APOSTOLIC FATHERS. Kirsopp Lake. 2 Vols.
APPIAN'S ROMAN HISTORY. Horace White. 4 Vols.
ARATUS. *Cf.* CALLIMACHUS.
ARISTOPHANES. Benjamin Bickley Rogers. 3 Vols. Verse trans.
ARISTOTLE: ART OF RHETORIC. J. H. Freese.
ARISTOTLE: ATHENIAN CONSTITUTION, EUDEMIAN ETHICS, VIRTUES AND VICES. H. Rackham.
ARISTOTLE: THE CATEGORIES. ON INTERPRETATION. H. P. Cooke; PRIOR ANALYTICS. H. Tredennick.
ARISTOTLE: GENERATION OF ANIMALS. A. L. Peck.
ARISTOTLE: HISTORIA ANIMALIUM. A. L. Peck. 3 Vols. Vol. I.
ARISTOTLE: METAPHYSICS. H. Tredennick. 2 Vols.
ARISTOTLE: METEOROLOGICA. H. D. P. Lee.
ARISTOTLE: MINOR WORKS. W. S. Hett. "On Colours," "On Things Heard," "Physiognomics," "On Plants," "On Marvellous Things Heard," "Mechanical Problems," "On Indivisible Lines," "Situations and Names of Winds," "On Melissus, Xenophanes, and Gorgias."
ARISTOTLE: NICOMACHEAN ETHICS. H. Rackham.
ARISTOTLE: OECONOMICA AND MAGNA MORALIA. G. C. Armstrong. (With Metaphysics, Vol. II.)
ARISTOTLE: ON THE HEAVENS. W. K. C. Guthrie.
ARISTOTLE: ON THE SOUL, PARVA NATURALIA. ON BREATH. W. S. Hett.

Aristotle: Parts of Animals. A. L. Peck; Motion and Progression of Animals. E. S. Forster.
Aristotle: Physics. Rev. P. Wicksteed and F. M. Cornford. 2 Vols.
Aristotle: Poetics; Longinus on the Sublime. W. Hamilton Fyfe; Demetrius on Style. W. Rhys Roberts.
Aristotle: Politics. H. Rackham.
Aristotle: Posterior Analytics. H. Tredennick; Topics. E. S. Forster.
Aristotle: Problems. W. S. Hett. 2 Vols.
Aristotle: Rhetorica ad Alexandrum. H. Rackham. (With Problems, Vol. II.)
Aristotle: Sophistical Refutations. Coming-to-be and Passing-away. E. S. Forster; On the Cosmos. D. J. Furley.
Arrian: History of Alexander and Indica. Rev. E. Iliffe Robson. 2 Vols.
Athenaeus: Deipnosophistae. C. B. Gulick. 7 Vols.
Babrius and Phaedrus (Latin). B. E. Perry.
St. Basil: Letters. R. J. Deferrari. 4 Vols.
Callimachus: Fragments. C. A. Trypanis.
Callimachus: Hymns and Epigrams, and Lycophron. A. W. Mair; Aratus. G. R. Mair.
Clement of Alexandria. Rev. G. W. Butterworth.
Colluthus. *Cf.* Oppian.
Daphnis and Chloe. *Cf.* Longus.
Demosthenes I: Olynthiacs, Philippics and Minor Orations: I-XVII and XX. J. H. Vince.
Demosthenes II: De Corona and De Falsa Legatione. C. A. Vince and J. H. Vince.
Demosthenes III: Meidias, Androtion, Aristocrates, Timocrates, Aristogeiton. J. H. Vince.
Demosthenes IV-VI: Private Orations and In Neaeram. A. T. Murray.
Demosthenes VII: Funeral Speech, Erotic Essay, Exordia and Letters. N. W. and N. J. DeWitt.
Dio Cassius: Roman History. E. Cary. 9 Vols.
Dio Chrysostom. 5 Vols. Vols. I and II. J. W. Cohoon. Vol. III. J. W. Cohoon and H. Lamar Crosby. Vols. IV and V. H. Lamar Crosby.
Diodorus Siculus. 12 Vols. Vols. I-VI. C. H. Oldfather. Vol. VII. C. L. Sherman. Vol. VIII. C. B. Welles. Vols. IX and X. Russel M. Geer. Vols. XI and XII. F. R. Walton. General Index. Russel M. Geer.

DIOGENES LAERTIUS. R. D. Hicks. 2 Vols.
DIONYSIUS OF HALICARNASSUS: ROMAN ANTIQUITIES. Spelman's translation revised by E. Cary. 7 Vols.
EPICTETUS. W. A. Oldfather. 2 Vols.
EURIPIDES. A. S. Way. 4 Vols. Verse trans.
EUSEBIUS: ECCLESIASTICAL HISTORY. Kirsopp Lake and J. E. L. Oulton. 2 Vols.
GALEN: ON THE NATURAL FACULTIES. A. J. Brock.
THE GREEK ANTHOLOGY. W. R. Paton. 5 Vols.
THE GREEK BUCOLIC POETS (THEOCRITUS, BION, MOSCHUS). J. M. Edmonds.
GREEK ELEGY AND IAMBUS WITH THE ANACREONTEA. J. M. Edmonds. 2 Vols.
GREEK MATHEMATICAL WORKS. Ivor Thomas. 2 Vols.
HERODES. *Cf.* THEOPHRASTUS: CHARACTERS.
HERODOTUS. A. D. Godley. 4 Vols.
HESIOD AND THE HOMERIC HYMNS. H. G. Evelyn White.
HIPPOCRATES AND THE FRAGMENTS OF HERACLEITUS. W. H. S. Jones and E. T. Withington. 4 Vols.
HOMER: ILIAD. A. T. Murray. 2 Vols.
HOMER: ODYSSEY. A. T. Murray. 2 Vols.
ISAEUS. E. S. Forster.
ISOCRATES. George Norlin and LaRue Van Hook. 3 Vols.
ST. JOHN DAMASCENE: BARLAAM AND IOASAPH. Rev. G. R. Woodward, Harold Mattingly and D. M. Lang.
JOSEPHUS. 9 Vols. Vols. I-IV. H. St. J. Thackeray. Vol. V. H. St. J. Thackeray and Ralph Marcus. Vols. VI and VII. Ralph Marcus. Vol. VIII. Ralph Marcus and Allen Wikgren. Vol. IX. L. H. Feldman.
JULIAN. Wilmer Cave Wright. 3 Vols.
LONGUS: DAPHNIS AND CHLOE. Thornley's translation revised by J. M. Edmonds; and PARTHENIUS. S. Gaselee.
LUCIAN. 8 Vols. Vols. I-V. A. M. Harmon. Vol. VI. K. Kilburn. Vols. VII and VIII. M. D. Macleod.
LYCOPHRON. *Cf.* CALLIMACHUS.
LYRA GRAECA. J. M. Edmonds. 3 Vols.
LYSIAS. W. R. M. Lamb.
MANETHO. W. G. Waddell; PTOLEMY: TETRABIBLOS. F. E. Robbins.
MARCUS AURELIUS. C. R. Haines.
MENANDER. F. G. Allinson.
MINOR ATTIC ORATORS. 2 Vols. K. J. Maidment and J. O. Burtt.
NONNOS: DIONYSIACA. W. H. D. Rouse. 3 Vols.

OPPIAN, COLLUTHUS, TRYPHIODORUS. A. W. Mair.
PAPYRI. NON-LITERARY SELECTIONS. A. S. Hunt and C. C. Edgar. 2 Vols. LITERARY SELECTIONS (Poetry). D. L. Page.
PARTHENIUS. *Cf.* LONGUS.
PAUSANIAS: DESCRIPTION OF GREECE. W. H. S. Jones. 5 Vols. and Companion Vol. arranged by R. E. Wycherley.
PHILO. 10 Vols. Vols. I-V. F. H. Colson and Rev. G. H. Whitaker. Vols. VI-X. F. H. Colson. General Index. Rev. J. W. Earp.
Two Supplementary Vols. Translation only from an Armenian Text. Ralph Marcus.
PHILOSTRATUS: THE LIFE OF APOLLONIUS OF TYANA. F. C. Conybeare. 2 Vols.
PHILOSTRATUS: IMAGINES; CALLISTRATUS: DESCRIPTIONS. A. Fairbanks.
PHILOSTRATUS AND EUNAPIUS: LIVES OF THE SOPHISTS. Wilmer Cave Wright.
PINDAR. Sir J. E. Sandys.
PLATO: CHARMIDES, ALCIBIADES, HIPPARCHUS, THE LOVERS, THEAGES, MINOS AND EPINOMIS. W. R. M. Lamb.
PLATO: CRATYLUS, PARMENIDES, GREATER HIPPIAS, LESSER HIPPIAS. H. N. Fowler.
PLATO: EUTHYPHRO, APOLOGY, CRITO, PHAEDO, PHAEDRUS. H. N. Fowler.
PLATO: LACHES, PROTAGORAS, MENO, EUTHYDEMUS. W. R. M. Lamb.
PLATO: LAWS. Rev. R. G. Bury. 2 Vols.
PLATO: LYSIS, SYMPOSIUM, GORGIAS. W. R. M. Lamb.
PLATO: REPUBLIC. Paul Shorey. 2 Vols.
PLATO: STATESMAN, PHILEBUS. H. N. Fowler: ION. W. R. M. Lamb.
PLATO: THEAETETUS AND SOPHIST. H. N. Fowler.
PLATO: TIMAEUS, CRITIAS, CLITOPHO, MENEXENUS, EPISTULAE. Rev. R. G. Bury.
PLOTINUS. A. H. Armstrong. 6 Vols. Vols. I-II.
PLUTARCH: MORALIA. 15 Vols. Vols. I-V. F. C. Babbitt. Vol. VI. W. C. Helmbold. Vol. VII. P. H. De Lacy and B. Einarson. Vol. IX. E. L. Minar, Jr., F. H. Sandbach, W. C. Helmbold. Vol. X. H. N. Fowler. Vol. XI. L. Pearson, F. H. Sandbach. Vol. XII. H. Cherniss, W. C. Helmbold. Vol. XIV. P. H. De Lacy and B. Einarson.
PLUTARCH: THE PARALLEL LIVES. B. Perrin. 11 Vols.
POLYBIUS. W. R. Paton. 6 Vols.

Procopius : History of the Wars. H. B. Dewing. 7 Vols.
Ptolemy : Tetrabiblos. *Cf.* Manetho.
Quintus Smyrnaeus. A. S. Way. Verse trans.
Sextus Empiricus. Rev. R. G. Bury. 4 Vols.
Sophocles. F. Storr. 2 Vols. Verse trans.
Strabo : Geography. Horace L. Jones. 8 Vols.
Theophrastus : Characters. J. M. Edmonds ; Herodes, etc. A. D. Knox.
Theophrastus : Enquiry into Plants. Sir Arthur Hort. 2 Vols.
Thucydides. C. F. Smith. 4 Vols.
Tryphiodorus. *Cf.* Oppian.
Xenophon : Anabasis. C. L. Brownson.
Xenophon : Cyropaedia. Walter Miller. 2 Vols.
Xenophon : Hellenica. C. L. Brownson. 2 Vols.
Xenophon : Memorabilia and Oeconomicus. E. C. Marchant. Symposium and Apology. O. J Todd.
Xenophon : Scripta Minora. E. C. Marchant and G. W. Bowersock.

VOLUMES IN PREPARATION

GREEK AUTHORS

Aristides : Orations. C. A. Behr.
Herodianus. C. R. Whittaker.
Libanius : Selected Works. A. F. Norman.
Musaeus : Hero and Leander. T. Gelzer and C. H. Whitman.
Theophrastus : De Causis Plantarum. G. K. K. Link and B. Einarson.

LATIN AUTHORS

Asconius : Commentaries on Cicero's Orations. G. W. Bowersock.
Benedict : The Rule. P. Meyvaert.
Justin–Trogus. R. Moss.
Manilius. G. P. Gould.
Pliny : Letters. B. Radice.

DESCRIPTIVE PROSPECTUS ON APPLICATION

CAMBRIDGE, MASS. HARVARD UNIV. PRESS — LONDON WILLIAM HEINEMANN LTD